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SELECTIONS FROM THE RECORDS OF THE BOMBAY GOVERNMENT.

No. III.—New Series.

PAPERS

CONNECTED WITH THE SETTLEMENT, UNDER ACT No. VI. OF 1851,

FORAS LANDS IN BOMBAY.

Bombay:

PRINTED FOR GOVERNMENT

AT THE

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REPORT ON FORAS LANDS.

REPORT ON FORAS LANDS BY THE ADVOCATE GENERAL, ON THE OCCASION OF A MEMORIAL FROM CERTAIN INHABITANTS OF BOMBAY, COMPLAINING THAT LANDS HELD BY THEM ON THE FORAS TENURE HAD BEEN APPROPRIATED BY GOVERNMENT, AS A SITE FOR A HAY-MARKET, WITHOUT COMPENSATION.

No. 122 OF 1843.

TERRITORIAL DEPARTMENT,

REVENUE.

To the CHIEF SECRETARY TO GOVERNMENT.

Advocate General's Office, Bombay, 23rd December 1843.

SIR,

1. I have the honour of reporting on the Foras Lands in Bombay, referred to in the correspondence noted in the margin.

From Mr. Chief Secretary Reid to Advocate General, 26th April 1841, forwarding Memorial and its Accompaniments, and referring to Records of Government.
From do. to do., 13th January 1843.

2. The memorial from the Native inhabitants, copy of which accompanies the papers, is headed "The humble Memorial of Hindoos, Parsees, and other Native inhabitants of Bombay, who are Landholders, or Agents for them, on behalf of themselves and others of the community and population of Bombay," and purports to be signed by above 700 persons, the copy sent me containing the names of four of the principal Hindoos, and eight principal Parsees, adding "and others about 700."

3. The statements in the memorial profess to show the title of the memorialists to the lands in dispute, and are at great length; it is not necessary to examine the whole of them at present, but they conclude with the following prayer :—

1*st*.—"That no land, occupied whether directly or derivatively through a succession of generations, be resumed at the pleasure of Government.

2*nd*.—"That the lands already resumed or under process of resumption be restored.

3*rd*.—"That no foras lands, or salt batty land under foras tenure, be ever subject to any other than the ancient rate of taxation."

4. The immediate occasion of this memorial was the possession taken, by the orders of Government, of a space of ground in the vicinity of the Race Course, on that low level tract known as the Flats, for the purpose (to which it has been since appropriated) of stacking the hay thereon brought into the Island; this spot having been selected from its distance from the Native Town, to guard against the dangers of fire to which the town was exposed from the hay ricks on their old sites,—the sites now of the new medical hospital and college, near the Sudder Adawlut,—the hay when thus situated having for three successive years being burnt down, to the great danger of the town.

5. In taking possession of this spot on the Flats, no compensation was made to the occupants for the parcels of ground of which they were respectively dispossessed, Government conceiving the ground to be the property of the Company, and the occupants to have been merely their tenants at will, liable to be turned out at any moment, at their will. The memorialists contend and claim the ground as their own fee simple and inheritance, subject only to the payment of the small nominal quit-rent charged upon it, and they appear particularly to complain that they should have been ousted, not for any particular public benefit or purpose to which the ground was to be converted—as a public road, or other such public work, but to make room for private individuals merely, (the owners of hay,) who have been allowed to stack their hay on this spot rent free.

6. As between the memorialists, however, and the Company, the question which I have to examine is one of title; and as far as the materials I have had access to will enable me, I will state the result of my examination.

7. The lands designated foras derive this name from the rent paid for them, the nature of which will appear more fully presently. They are called also salt batty grounds, a term expressive of their origin, as having been reclaimed from the sea; these lands, before the erection of the velard at Breach Candy, and other embankments in the island, having been once covered by the sea, which traversed the island in different directions, finding outlets for itself at Back Bay and Mazagon, and other parts, and dividing Bombay into a cluster of islands; and which, in

those days, was so unhealthy, consequently, that human life among Europeans was not worth more than three or four years' purchase.

8. The recovery of this land from the sea took place in the early part of the last century, and the following extract from a letter of this Government to the Court of Directors thus alludes to it:—"In order to encourage individuals to drain the plain from which the salt batty grounds have been recovered, the Honorable Court, in their letter of the 4th June 1703, authorised it to be leased to individuals free of rent for a number of years, after which a small quit-rent was to be fixed. Had the ground been drained by the labours, and at the expense of individuals, the establishment of the quit-rent would probably have conferred a claim to the property in perpetuity; but as individuals could not or would not undertake the stopping of the breaches, the Government constructed the velard at an expense of upwards of a lakh of rupees." The Government having thus recovered the ground at its own expense, it was let to individuals on terms likely to compensate the Company for the great expense they incurred for the improvement of the island. It hence appears, that on the expiration of the leases in 1738, a resolution to relet the property was adopted. In 1740, a publication was issued, offering ground for cultivation at the low rate of 4 reas per square burga. In 1744, the rent was increased to 6 reas per burga; in 1748 to 9. These measures appear to us to be indicative of the right to the soil existing in the Company.

9. And so I think it did up to this date, 1748; the raising the rents being the exercise of an act of ownership on the part of the Company as landlords and proprietors of the soil, which, on its being reclaimed from the sea, became vested in them as grantees of the Crown.

10. In 1789, forty-one years afterwards, the state of these lands, in reference to the rights and pretensions set up in regard to them, may be gathered from the following observations of the Collector of that day, Mr. Smyth, in a report made by him to Government on the subject:—"On Byculla Plain, opposite Mr. Price's house, stands a stone and chunam house, three sides enclosed, with a solid wall, which being to be sold, the purchaser insisted on its being registered according to custom in my office. That one Muncher Dady, who was no more than a cultivator, having obtained permission from the farmer to cultivate the waste spot, and build a cudjan or slight house, a Senoy wishing to buy this spot agrees with Muncher Dady, who boldly executes a deed of sale to the Senoy, who builds the present house and wall, and sells it; who now wants, first to register the deeds, and have the title altered, which I could not do for fear my acts might give a sanction to what appeared improper, as the sale of the ground is perpetual, which is contrary to the express orders of the Company, and a tenure not granted by the

Governor and Council but on very special occasions. Next, the original vender had no right to alienate the Company's property." And the Collector on this asks for the instructions of Government, "as this one instance, he adds, will guide all future ones in similar predicaments."

11. Government refuse to comply with the application, but permit the Collector to grant a lease for a term not exceeding twenty years, on no account, however, to be renewable without a fresh sanction of Government.

12. This reply of Government is dated 19th September 1789. On the 10th of the succeeding month (October) a Notification seems to have been published by Government, which, though somewhat lengthy, is too important to be passed over. It begins by reciting that the ancient (and till lately usual) customs of this island in regard to farmers of villages and Curumbees, who were, it was alleged, no other than stewards of the soil, had been most injuriously encroached on, and the interests of the Company most audaciously usurped, and very nearly annihilated. It then proceeded to state, that to preserve the rights of the Company the President and Governor, with consent of his Council, thought proper and expedient to ordain, that as all farmers of their lands were only their stewards, put into possession of certain portions of ground to improve for all sorts and manner of cultivation, and not to erect buildings of any kind whatever, or to make any new enclosures of any sort, whoever should presume to act contrary to the spirit and true intent of that publication (the Notification was so entitled) should forfeit such buildings, either of house, shed, walls, or whatever else, and if found making enclosures, be fined, at the discretion of the said President and Governor. The Notification then went on to state that the President further ordained, that as the Curumbees of this island under the Company were but tenants at will, they had only the right to the use and improvement of such spots they were permitted to cultivate, instead of which alone they had presumed to dispose of many of these spots under deeds of sales, thereby assuming a right only belonging to the Honorable Company as lords of the soil, and erecting in course of time a better title than the Honorable the Court of Directors had invested their Governor in Council with, without their approbation being first had and obtained. To obviate which practices, and in order to discover every such alienation of the Honorable Company's property, a retrospective examination and power to rescind such unlawful sales was given in authority to the Collector, and an absolute prohibition given to any future alienations of the same kind, or even of what is termed the right of benefit (to the soil), without previous permission being obtained of the said President and Governor through the Collector, who was to certify

and record every such license, under pain of such fine or other punishment as the said President and Governor or his successors might think proper to inflict; and any Mattaras suffering such alienation, without acquainting the Collector as early as possible, should be subject to dismission, and what other punishment he might be deemed deserving of.

13. From this Notification, it is evident that the Government of 1789 was quite alive to the encroachments that had been made and were making on the Company's landed rights, and that it considered the Curumbees or cultivators to be mere tenants at will, having a right to the benefit of the soil produced from their cultivation, but without the power of disposing away of the ground itself; and further, (without questioning the legality of imposing fines for what would seem to be merely civil injuries and trespasses on property,) that it was determined to put a stop to the encroachments by rigorous and penal measures.

14. In the following year after this Notification, some time in the course of the year 1790, I perceive that this same Collector, Mr. Smyth, laid before Government a very long report on the subject of these lands, their origin and tenures, and the encroachments; which I will only notice so far as to say, that in alluding to the practice which was permitted, of the Curumbees or cultivators selling and transferring to others the right they possessed in the soil, (which was merely that of cultivating it, and enjoying the produce of their own labours on it,) it states that the purchasers entertained the idea that they actually had purchased a *permanent* and irrevocable interest in the *soil;* or why, observes Mr. Smyth, should they attempt to build houses and walls, and dispose thereof, without asking leave, and dispute with me the Company's right, as some have done. The report states, also, that others disputed the power of the Company to prevent their converting the grounds they held for cultivation into building ground, or to dispossess them; and that the greatest part of the grounds had become the apparent property of the richest part of the Natives; that the ground had been allowed to descend to the heirs of the occupants; that the rights of freeholders were claimed by the tenants, subject to the payment only of the foras rent to the Company; that the lands themselves had in several instances (some of which Mr. Smyth alludes to) been taken in execution under process from the Mayor's Court for the payment of debts; that to ascertain and protect the Company's rights Mr. Smyth recommended an immediate survey being made of all the lands; and he concludes his report by stating that he should shortly lay before Government an address relative to the propriety of raising after forty-two years the rents of these salt batty grounds, which had become in many places equal to the best batty ground in Bombay.

15. This promised address, whether sent in or not, does not appear; nor do the records show whether the sanctioned lease for twenty years mentioned in the Government reply to Mr. Smyth's first noticed report was ever granted, or any steps taken to eject the Senoy, on refusal to hold the lands on such terms; nor whether any measures were adopted in pursuance of the Government Notification of 1789, or Mr. Smyth's last mentioned report of 1790.

16. But it would seem that nothing effectual was done, and that up to the year 1804 the encroachments continued, for in that year the Government Notification of 1789 was republished.

17. In 1805, the question came before the Recorder's Court in an action brought by one Shaik Abdul Amlity *vs.* Nasserwanjee Cowasjee, but the Company were the real defendants; and according to the report of Mr. Thriepland, the Advocate General, the nominal defendant was one of those to whom, in consequence of the extension of the Esplanade, an allotment of ground was made by the Collector, in the supposition that the space assigned belonged of right to the Company, though in the occupation of the plaintiff. The latter, anxious to retain a possession which he and his predecessors had held uninterruptedly for upwards of thirty years, brought an action of trespass against the person so accommodated. The strength of the plaintiff's case consisted in the undoubted fact of uninterrupted possession for upwards of thirty years, joined to a deed by which it clearly appeared that the property had been sold for a considerable consideration to the person from whom the plaintiff derived his title so far back as the year 1772, and that deed duly registered in the Mayor's Court books in 1775. The allotted piece of ground was situated on the plain designated the Flats, and was of the tenure now under consideration, (*foras,*) and the following is the description given of it by Mr. Thriepland:—"It is true that persons occupying lands in the situation of those in question had been, and daily were, in the use of selling what they termed the benefit of the soil, by which they mean the aggregate value of such ameliorations as had taken place during the period of their occupancy. With respect to these, as the fruits of their skill and labour, they might no doubt have a disposable right of property, but the soil itself was not theirs to keep, and could not therefore be theirs to part with to another '*nemo alieno plus transferre potest quam ipse in se habet.*' The rent thus levied has a peculiar denomination, which from the earliest times to the present day has never altered, and which conveys to every Native who hears the word pronounced a fixed and determinate idea of the nature of the terms by which the lands are held. It is called foras, a Portuguese expression, the meaning of which is rent, but which in this island denotes the rent in particular which is paid by a cultivator

or person permitted to occupy ground for the purpose of improving it, but without any lease or other grant by which he can maintain possession during the continuation of a term."

18. I cannot learn that the Natives at the present day entertain the peculiar signification or fixed and determinate idea of this rent, and the terms on which these lands are held, Mr. Thriepland has alluded to, or that they consider themselves as having only an interest in the soil for the purpose of cultivation; but on the contrary, they maintain, that, subject to the payment of the rent, they are the owners absolutely of the soil.

19. In the course of the trial, Mr. Thriepland probably was able to establish by evidence what he has reported regarding the nature of this tenure, by the testimony of old men, and other satisfactory evidence then available to him; but forty years nearly have elapsed since this trial, and it will be seen presently whether difficulties have not arisen up since, which now surround the question which in 1805 Mr. Thriepland had not to contend with, or was able to overcome.

20. The result of the trial was in favour of the Company, the defendant obtaining a verdict; but in delivering the verdict, the learned Recorder, Sir James Mackintosh, expressed himself to the following effect:—"Though the eventual right of resumption might be known to many or most of the inhabitants, the Company certainly suffered an expectation to be created, and very generally entertained, that the right in question was one, the exercise of which was *so exceedingly rare* on their part, as not to require being very much or at all taken into account in the transmission of property from one individual to another; hence the *large sums so frequently paid* on such occasions; hence the *loans* advanced on the security of such lands, and the imposing credit which they enable their possessors to obtain. While such things are familiarly known and *daily brought under the eye of Government*, the unwary occupants may not have regular conveyances, enabling them to maintain possession in a Court of Law, but they have to allege a tacit acquiescence, a presumptive right, which in the eye of commerce and morality gives them almost an equal claim to subsequent forbearance, and must in every case of resumption, where an adequate price has been *bonâ fide* paid, make the act appear and be felt as a grievous hardship, if not an open and downright injury."

21. Mr. Thriepland, from whose report these remarks are taken, thus observes upon them:—"As it cannot be denied that there is but too much truth in these observations of the Court, I have reflected a good deal upon the easiest and most effectual method of ensuring a due and perfect understanding on the subject of the Company's rights all over the

island, an understanding which, being repeatedly inculcated and brought home to every occupant, may at least prevent the plea of ignorance from being resorted to, and when that plea is completely done away, and there was no pretence for alleging it in any stage of the transaction, the argument of hardship will not merit much attention in any instance."

22. He then suggests certain measures, which he thinks would most effectually strike at the root of the evil, and by which the various kinds and denomination of rents, which were the sources of so much confusion, might be reduced to some uniformity; and a tenantry at will, which prevails to an extent inconsistent with every principle of sound policy, be rendered much less general, by the introduction of leasehold tenures, for a term of years. But, he adds, as measures of this radical and decisive nature seem to be attended at the outset with considerable expense, and cannot be finally carried into effect without much delay, and a good deal, possibly, of practical inconvenience, he should suppose the system to continue as it had done, and proposes that the receipts for the different kinds of Company's rents should be in a particular form; that the body of the receipt should be ordered to be printed, with a short clause subjoined or prefixed, in the Native character, in explanation of the tenure by which the land was held, the acts from which the occupants were bound to abstain, and the powers which the Company had a right to exercise, all which might be comprised in a very few words; and as these receipts were generally the only vouchers which the occupants possessed in proof of title, they could not give a purchaser possession, or a mortgagee a valid incumbrance, without disclosing what they had a right to sell, in the one instance, and to burthen in the other. In either case the person paying the purchase money or accepting the security would see exactly what he had to trust to, and, acting with his eyes open, could never afterwards complain of being misled, mistaken, or innocently made to suffer; and as a further means of notoriety, Mr. Thriepland proposed that an intimation, corresponding in terms with the clause proposed to be annexed to the receipts, should be affixed in some conspicuous place of the Collector's Office, where the Government registers were kept; and on every occasion of a sale of lands the party applying for registration might further be obliged to subscribe a declaration that no infringement of, or encroachment on the rights of the Company was intended, but that those rights remained altogether unaffected, and equally available to the Company in all respects and in all time, future as before; adding, in conclusion, that had this been done in the year 1775, it is impossible the case on which he was reporting could have been stated as a case of hardship, or rather the discussion could never have arisen, as the rights of the Company must have appeared to

every one much too plain and indisputable to admit of being called in question in a Court of Justice.

23. Agreeable to these suggestions attempts were made towards carrying them into effect, at least as regards the new form of receipts in which the clause, as proposed by Mr. Thriepland, was inserted, but resistance was made to it, and the new receipts were almost universally rejected, and the collections were in consequence for a considerable time in arrear, till the 25th October 1813, when, from the dissatisfaction and complaints expressed on the subject, Government was pleased to order the clause to be expunged, thus restoring things to the same state as they were in when, eight years before, the Company had obtained a judicial declaration of their rights in their favour.

24. Though it yielded to the complainants in regard to the receipts, the Government appears to have had no intention of yielding the main question, for at this very time, when the expunging of Mr. Thriepland's clause was ordered, the propriety of raising the rents on the new and old salt batty grounds was under the consideration of Government, the Collector, Mr. Monroe, having submitted, in a report of 1812, that they were now capable of bearing an increase of rent, and that Government should reap some further benefit from them on account of the great expense the Company had incurred in building the velard, and proposed a scale of increase. His proposition was authorised by Government, and advertised, but the holders of these grounds strongly resisted, and in a memorial not only stated their objections at length, but denied the right of Government to make the increase, and revived the old question of the Company's right to anything more than the rent.

25. The case was submitted for Mr. Advocate General Mocklin's opinion, and specifically on these points:—

"1*st*.—Whether the Government possessed the right of increasing the rent of the salt batty grounds, &c.

"2*nd*.—Whether, in the event of the proprietors refusing to pay the increased rent, the Government could resume the possession of this description of property."

26. The answer of Mr. Mocklin to both these queries was in the negative; and, in stating his opinion, he noticed, among other things, "the various transfers that had taken place of these lands," and that many purchases had been made by Government itself from the very same kind of tenants who are now denominated tenants at will.

27. In consequence of this opinion, the measure of increasing the rents was suspended, and the matter referred to the Honorable Court of Directors in 1815; and in doing so, the Government in their letter adverted to the opposite opinions given by the two Advocate Generals,

(Thriepland and Mocklin,) and observed that though the judgment of the Court of the Recorder was in consonance with the sentiments of Mr. Thriepland, still Sir James Mackintosh had qualified his decision by observations tending to support the view of the subject taken by Mr. Mocklin, and conclude their letter in the following manner:—"The Honorable Court will appear to have contemplated the object of increasing the rents on their lands at a convenient season from the earliest period, and we have only to regret that the former Governments of this Presidency should have allowed individuals to occupy grounds in the loose way they have done, and thus precluded any subsequent Government from carrying those intentions into effect; at the same time that we are far from arraigning the policy which dictated that forbearance, the intention of which would seem by Mr. Warden's report* to have had in view the increase of the population of the island, which probably could not have been effected had the lands been leased on less favourable terms."

28. From this it would seem that the measure was one of policy, which led to the forbearing conduct of former Governments from asserting rigidly the rights (the strict *legal* rights in the opinion of the Recorder) of the Company; and on reference to Mr. Warden's report, invitations appear to have been held out in former days to persons to come and settle in Bombay on these spots of waste and uncultivated lands with a view to the increase of the population of the island.

29. The Honorable Court in reply to this despatch say:—"We have not thought it necessary to determine how far we can coincide with the opinion expressed by the Advocate General Mr. Mocklin, as, whatever may be the right of the Company to resume from the present possessors the salt batty grounds, we think that, under all the circumstances attending the tenure of them, the possessors have a fair pretension to consider themselves as owners of the inheritance, subject to the rents they now pay, and also subject to the burthen of keeping the velard erected for their defence against the sea in thorough repair. We cannot but presume that the present possessors will gladly accept a recognition of their titles upon this condition, and we authorise you to set their minds at rest, by making them grants accordingly in perpetuity. In doing this, you will be careful to receive the present rents, and annex a condition for the grantees' assuming the repair of the velard, and we direct you explicitly to guard against the possibility of their misconception that their lands are to be exempted from any taxes or assessments now payable for public purposes, general or local, or which it may be deemed proper hereafter to impose upon landed property or occupation.

* Mr. Chief Secretary Warden's Report of 1813.

We mean to recognise retrospectively a title in perpetuity in the persons who were in possession in the year 1744. Any question of derivative title under them must be left to the decision of the proper legal tribunals. We must note here, that our attention has been confined exclusively to the *batty* grounds referred to in the 71st paragraph of your letter."

30. Difficulties appear to have occurred in carrying into effect these directions of the Honorable Court, the nature of which may be gathered from a letter of this Government in 1820 to the Court, in which it reports the impracticability of giving effect to their commands in regard to the grants in perpetuity directed to be made to the several holders of salt batty ground, until a survey of the whole of that description of property should have been completed; that the Breach Candy velard was built, not exclusively for the security of the salt batty grounds, though that description of land arose out of its construction, but for the general improvement of the island; that the whole revenue from the new and old salt batty grounds amounted to about Rs. 4,000, being assessed at different rates, from 6, 7, and 9 to 14 reas per burga of 64 square yards; that the expense of keeping the velard in repair might be taken at about Rs. 1,500 per annum; and that if that expense was thrown upon the proprietors, it would lead to an advance annually of 5 per cent. upon the present rents, which Government did not imagine that the Honorable Court intended to impose on this particular description of property, for the preservation of a work equally beneficial to the other inhabitants of the island, and particularly to the Fazendars and proprietors of ground situated on the low part of the island. The letter then proceeds to observe that "the liberal intention of your Honorable Court of issuing grants in perpetuity in favour of these lands might be less exceptionally carried into effect by fixing the rent for the future at the highest of the existing rates, namely 14 reas the burga, and by inserting a clause, stipulating that in the event of any portion being hereafter required either for military cantonments or for any other public purpose, compensation should be made to the owners for the value of the improvements in buildings, trees, wells, and tanks, to be ascertained by a jury, and not of the soil itself"; preferring, however, that this arrangement should be postponed until the survey of the island should have been completed.

31. A survey was made of this description of property some time in the year 1824, but it was a general one only, and was not effectual, I understand, for the purposes mentioned in the Court's letter; and from that date up to the year 1836 no measures were adopted towards quieting the possession of these estates on the footing of the Court's suggestion of making grants in perpetuity on the modification of that

suggested by this Government respecting the Breach Candy velard repairs. But in 1836, when the Grant Road was projected, the lands on which it was constructed being foras, the question of the Government's right of resuming them was revived, and a Committee, consisting of the officers named in the margin, was appointed, to examine and report (among other matters connected with the lands in Bombay and Colaba) on this—"Whether the Curumbees or cultivators of what is called the salt batty ground which skirts the whole of that low level known by the name of the Flats, really possess the right, which they appear to have frequently exercised of late, of disposing of it as building ground, without the sanction of Government.

W. C. Bruce, Esq., Collector of Land Revenue.
T. Dickinson, Lieutenant Colonel, Chief Engineer.
E. C. Morgan, Esq., Company's Solicitor.
H. B. Turner, Lieutenant, Engineers.

32. On this question, the Committee, after a lengthened examination, report their opinion to be that Government seemed to them to possess an undoubted and indefeasible right to dispose of the whole of it as to them might seem best, and they go on, (without reference to the Court of Directors' Despatch, and the arrangement authorised by it, which they do not appear to have noticed at all, whether overlooked or not I cannot say, though they quote Sir James Mackintosh's remarks on the subject,) to propose that the whole of the foras ground under cultivation to the southward of the Bellasis Road should be forthwith resumed, *but not without compensation,* but which was to be at the rate of five years' foras; and that the holders be further offered gratis building sites, the frontage and square contents of which should bear some proportion (say one-twentieth) to the quantities of such ground which they now enjoy. With respect, however, to the holders or occupants of ground to the north and east of the Bellasis Road, the Committee submitted that they should for the future be debarred from using or disposing of any part thereof for building ground, without the sanction of Government; any violation of this rule to subject the offending party to the forfeiture of his occupancy.

33. I will here by the way observe, that I cannot quite comprehend why, if Government had the indefeasible right to the ground, to dispose of as it might to them seem best, the Committee should have proposed a compensation, and exchange also of other lands, on Government resuming it, or why those occupants on the south of the Bellasis Road should be allowed or considered as entitled to greater rights or indulgences than those on the north and east.

34. In reply to the report of the Committee, with regard to the *foras*, though concurring in the views of the Committee as to the right of Government to resume it, and to increase the rent on it, Government express the following sentiments:—"In consideration, however, of the

great length of time which the occupants of this foras ground have been allowed to retain undisturbed possession, the Governor in Council feels that it would not be consistent with the principles of a mild Government to resume these lands without granting such a value for the property as with building sites gratis in other parts of the island would be considered a just equivalent"; and in another place observe that "the resumption of it would be very unpopular, and that the permission to build should expressly reserve the right of Government to resume the ground for roads, streets, or Government buildings, or other public purposes, paying only the value of any buildings thereon."

35. This reply is dated December 1837; and shortly afterwards, in 1838, the Grant Road was commenced, and the ground on which it is constructed (foras) taken without compensation to the occupants for it, and without murmur on their part, or any demand by them, I believe, for compensation, the purpose for which the ground was taken, viz. for a public road, being of such an admitted public benefit that the surrender of it for such purpose was readily acquiesced in.

36. Not so has the resumption of the lands in question, for the purpose of a hay market, been considered: it has been looked on as beneficial to a few individuals,—to the owners of the hay stacked there,—but not to the public at large; and the late occupants of the ground have complained against the resumption, and the owners or occupants of other lands similarly situated, (of this tenure,) apprehensive of a like resumption at any future period of their possession, have made, as it were, common cause with them, and joined in the present memorial against what is conceived in the one case to be an actual, and in the other an apprehended invasion of their proprietary and hereditary rights.

37. After this lengthened statement, it may be convenient here to notice the conclusions that may be drawn from it.

38. That the foras or salt batty lands were once covered by the sea.

39. That they were reclaimed in the early part of the last century, and at the expense of the Company, whose property they therefore became, as grantees of the Crown.

40. That they were let out for the purpose of cultivation at a very low quit-rent, which, previous to the year 1749, had received a small increase.

41. That in 1789 the propriety of increasing this rent was considered, and again in 1813, but no increase at either of those periods was made, but the rent has remained, and continues to the present day, as it was fixed in 1749, nearly a century ago.

42. That in allotting the lands originally for cultivation, the object was not only the improvement of the soil, but the increase of the

population of the island, and settlers were invited to Bombay for the purpose.

43. That the settlers were allowed to build huts for themselves and families on the ground, to enjoy the produce of it, subject only to the payment of the rent; to sell it, at least *the benefit of the soil* from their cultivation, and on their deaths the lands were permitted to descend from father to son.

44. That thus the tenants began soon to consider the lands as their inheritance, and purchasers believed that they had bought the land itself—no very violent misconstruction of their rights, as to the distinction between the right to the *land* and the right only to the *profits* of it from cultivation : the benefit of the soil or the land's worth was not likely to occur to a simple minded Coonbee—a distinction too subtle for his humble comprehension.

45. That previous to the year 1789, the tenants dealt with these lands as their own, erected substantial buildings upon them, and, in their instruments of sale and transfer, claimed and treated the lands as their hereditary property.

46. That the Collector complained of these encroachments on the Company's rights, and the Government threatened to stop them; but they continued, and the Government of 1804 republished the threatening proclamation of 1789.

47. That in 1805 the Company were judicially recognised as the legal proprietors of the lands.

48. That to preserve the legal rights of the Company, the Advocate General (Thriepland) proposed a remedy, which, after a stubborn opposition on the part of the tenants, was ultimately laid aside by the Government.

49. That subsequently the Court of Directors sanctioned the recognition of the tenants' titles, subject to certain slight conditions, but, for reasons that have been stated, the recognition has never been made.

50. That from the year 1789, to go no further back, though the *legal* right to the lands appears to have been in the Company, yet the Governments from that period to the late Government of Sir R. Grant, have forborne enforcing the *right*, as inconsistent with sound policy, and the character of a mild and humane Government; and even the Recorder, Sir James Mackintosh, in pronouncing in favour of the Company's rights forty years ago, though he declared the *law* to be with the Company, yet evidently thought that *equity* and *justice* were on the side of the tenants.

51. To advert now to the case contained in the memorial before me, I shall consider it as if it was brought into litigation in a Court of Justice.

52. The payment of rent in ordinary cases is the best and most conclusive proof of title between landlord and tenant, but in a case circumstanced like the present, and standing by itself, it affords no more than proof of a title to the rent, and not to the land itself. "Where rents," observed a learned Judge,* whose opinion was approved of subsequently in a full Court, "have been paid for a long series of years without any variation, as this has been, (the period was for about forty years,) the payment of them affords no evidence of a title to the *land*—the presumption is that they are *quit*-rents."

53. On behalf of the tenants, the claims they have to urge in support of their rights are undisturbed adverse possession for twenty years, forty years, sixty years, and more, by themselves or their ancestors, or those through whom they claim, not merely possession, but an adverse possession, in opposition to, and in defiance of the Company's rights. The registry of their deeds and instruments of transfer in the Collector's Office prove, too, not only their opposition, but knowledge by the Company or their agents of such opposition and usurpation of their rights, and the acquiescence of the Company—long and unresisted acquiescence (at least not resisted with effect) in such usurpation; and thus, by allowing the occupants to deal with the lands as their own—to sell and dispose of them as their own property; and purchasers under this belief buying them for value, and enjoying them as their purchased freeholds, the Company by such conduct are now, by the common principles of equity, concluded and stopped against them from asserting their own rights.

54. I therefore think, that if litigated, the memorialists would be able successfully to establish their title to these lands, subject only to the rent payable in respect of them, and which Government in my opinion have not now at the present day the power to increase as original landlords of the soil. Any increase, if necessary or expedient, must be by way of a tax, which can only be done by a law for the purpose.

55. From a communication I have had with one of the memorialists, a principal occupant of a portion of these lands, and who spoke the sentiments of the majority of them, or the principal of them, I was led to believe that they would readily accede to the conditions proposed by the Court of Directors with regard to the repairs of the Breach Candy velard, and would also readily concede to Government the right to resume the lands for public purposes, provided they were of an acknowledged public benefit, such as roads, tanks, or other works of a like useful kind to the public.

* Holroyd, J.; Nicholson's Rep. 173, Doe, dem. Whittick, *vs.* Johnson.

56. With respect to the memorial itself, the statements in it are too loose and general to deserve much consideration, but I may take notice that in attempting to show their title, the memorialists have confounded the foras lands now under discussion with those of other tenures, tracing them all up to a common origin, viz. the agreement entered into in 1764* by Governor Sir Gerard Angier with the inhabitants for quieting the title to the estate then in dispute between the occupants and Government, this agreement referring to lands which are known under the designation of Fazendary lands, paying pension and tax, and not to foras or salt batty lands, which, it may be said, were not at that date in existence, having been recovered from the sea some years afterwards, and the complaint in the memorial not being in any way applicable to the Fazendary lands, but to the foras.

57. The original file of records furnished to me for the purposes of this report are herewith returned.

I have the honour to be, &c.

(Signed) A. S. LeMessurier,
Advocate General.

* Sic in orig., but the true date is probably 1674.

EXTRACT FROM A MINUTE BY THE RIGHT HONORABLE THE GOVERNOR.

Parell, 9th February 1844.

* * * * I think we are agreed on this, that provided we secure the means of making all public improvements which it can reasonably be expected will be required, and thus guard Government against the risk of having to repurchase, at great cost, rights which it now possesses, we shall make a good exchange if we give the present occupiers, by some clear and undoubted title, the proprietary rights for which they now contend.

I would, however, carefully guard against giving to any such arrangement the character of a *compromise*, as such a course would probably be construed to imply a doubt as to the validity of the rights now asserted by Government.

I would lay down the plan we mean to pursue, and leave the opposition to it, and consequently the burden of proving rights adverse to those of Government on those parties who assert such rights.

The measures to be pursued I would briefly sum up thus:—

1st.—That a careful survey should be made of the actual state of all the lands in question.

The Collector should confer with the Chief Engineer, and having ascertained what surveys are in existence, and what is their value, he should submit a detailed report to Government, showing the result of his inquiries, and suggest the means for supplying what may be required to complete a perfect survey with as little delay as possible.

2nd.—A prospective plan of roads, streets, drains, tanks, and other public works, suited to the wants of the population which may ultimately be located on those lands, should *then* be laid down.

This might be done by the Chief Engineer, in communication with the Collector and Municipal Authorities.

The spaces required for such works should then be carefully guarded from being encroached or built upon.

To all parties occupying ground which will not be required for any of the public purposes above alluded to, grants might at once be given, securing to them the proprietary right in their land, on some tenure recognized by English law, and not liable hereafter to be disturbed, the

present rate of assessment being either redeemed, or left on the land, assurance being given to the owners by Government that it shall not hereafter be raised.

(Signed) G. ARTHUR,
T. McMAHON.

The view of the question taken in this minute was subsequently adopted by the Home Government. It was also acceded to as fair and reasonable by the principal holders of foras lands, who were consulted on the subject; and as these gentlemen were further of opinion that an amicable arrangement on such a basis might be made with the great mass of the Forasdars, they were requested through Mr. Acland, the Company's Solicitor, to consult the Forasdars generally, and so endeavour to bring about such an arrangement.

In August 1848, however, the Government received from these gentlemen the following letter:—

WILLIAM ACLAND, Esq.,
Honorable Company's Solicitor.

SIR,

With reference to your letter of the 22nd March to our address, we beg to acquaint you that we have held several meetings, at which the holders of foras land having been previously invited, many of them attended, when the subject of your communication was, together with the previous correspondence, fully explained to them.

2. The majority agreed to give effect to the proposition contained in your letter, and that the following arrangement should be made for the purpose:—

1*st*.—That the ground required for roads should be delivered up to Government, the holders thereof being compensated at rates determined by a committee of the principal landholders.

2*nd*.—That a fund should be raised, by means of a contribution from all foras holders, proportioned to the quantity of their land.

3. A small minority, however, have, notwithstanding all our persuasions, and those of other parties who are equally desirous with ourselves to meet the wishes of Government, refused to give their assent to this arrangement, which, therefore, we regret to say, has fallen to the ground, as we have no power to compel any one to give up his land, or to contribute to the compensation fund.

4. We are much concerned to report the failure of our endeavours to carry out the views of Government in the mode proposed by you; and the more so as it is owing to the selfish opposition of a few individuals. But they will not, we trust, be allowed to thwart Government in a

measure of great public advantage, in furtherance of which all the other parties concerned, constituting an overwhelming majority, are willing and prepared to do what is required of them.

5. If we may take the liberty of offering a suggestion, we would propose for consideration the expediency of applying to the Government of India to pass an Act with as little delay as possible, empowering Government to take possession of the ground required for the contemplated roads, &c. (the remainder of the foras lands being converted, as already proposed, into freehold property,) and to appoint a committee, composed partly of Government officers and partly of holders of foras lands, to raise a fund by rateable contributions from the whole body of foras landholders, and to determine the amount of compensation to be paid from such fund to the parties whose ground may be taken for the above purpose.

We have the honour to be, &c.

(Signed) Juggonnath Sunkersett.
„ Dadabhoy Pestonjee.
„ Bomanjee Hormusjee.

Bombay, 23rd August 1848.

On the 6th of June 1851 the following Act passed the Legislative Council of India:—

Fort William, Home Department, Legislative,
The 6th June 1851.

Act No. VI. of 1851.

Respecting certain Land in Bombay, called Foras Land.

Whereas the East India Company are legally entitled to the freehold reversion of the several lands heretofore paying a render called foras, the outline whereof is delineated in a plan deposited in the office of the Secretary to the Government of Bombay, and authenticated by the signatures of the Right Honorable the Governor and Members of the Council of Bombay, and numbered 1, subject to certain tenancies therein at will, or from year to year; and whereas it is considered expedient as of grace and favour that the rights of the said East India Company in all of the lands included in the said plan, save those marked upon the said plan as to be taken, or as having already been taken for public roads, tanks, and other public purposes, the outline of which lands so to be or having been taken is also delineated in another plan numbered 2, also deposited and authenticated as aforesaid, should be extinguished, save as hereinafter mentioned, It is enacted as follows:—

I. The lands comprised in the said plan No. 2 shall, from and after

the 1st day of July in the year 1851, be vested in the said Company, free from all rights therein of all other persons, for the purpose of constructing public roads, tanks, and other public purposes.

II. From and after the said 1st day of July, the rights of the said Company in all of the said lands mentioned in the said plan No. 1, except those mentioned in the said plan No. 2, shall be extinguished in favour of the persons who shall then hold the same respectively as the immediate rent-payers to the said Company, saving the rents now severally payable in respect of such lands, which shall continue payable, and recoverable by distress, or by any means by which land revenue in Bombay is or shall be recoverable, under any Act or Regulation, and saving, also, all rights of forfeiture and escheat, in respect of want of heirs or representatives, or of felonies committed, or otherwise in respect of attainder.

III. As between such rent-payers and other persons, such extinguishment shall endure for the benefit of the persons beneficially entitled to the lands thereby affected, and not of any mere trustee or other person in whom the legal estate only is or may be vested.

IV. Nothing herein contained shall exempt such lands from being liable to any future general taxes on land in Bombay, or from being subject to Act XXVIII. 1839, and Act XVII. 1850.

V. After the said 1st day of July, as soon as shall be convenient, the Governor of Bombay in Council shall appoint fit persons, not exceeding five in number, to be Commissioners under this Act, for the purposes hereinafter mentioned (with such salaries or remuneration as to the said Governor in Council shall seem fit); any three or four of whom met together (two being officers of Government), may do any act which by this Act the Commissioners are empowered to do; and in case of the death, resignation, removal, or absence of any such Commissioner, the Governor in Council shall appoint another in his room.

VI. A duplicate of the said plans, authenticated by one of the Secretaries to the Government of Bombay, shall be lodged with the said Commissioners, and shall form a record of their office.

VII. From and after the said 1st day of July, the said Commissioners shall proceed to estimate the value of the several portions of land, and the improvements thereon, comprised in the said plan No. 2, and of the expenses which will be incurred in executing this Act, and to assess the amount of such estimate in such way and in such proportions as to them shall seem right, to and upon the lands mentioned in the said plan No. 1, and the fund to be raised by such assessment shall be denominated the "Foras Land Assessment Fund"; and for the purpose of framing such estimate, and making such assessment, the said Commissioners may summon as witnesses any persons whomsoever,

whether interested or not in the said lands, and examine them on oath or otherwise, as they may see fit, or proceed upon a mere estimate, according to the best of their judgment, without evidence.

VIII. Any person summoned as a witness, and refusing, or without lawful excuse neglecting to appear and give evidence according to the terms of the summons, may, on proof thereof, be fined by any Magistrate of Police for every default a sum not exceeding ten rupees, to be paid to the said Commissioners for the said Foras Land Assessment Fund, and may be committed to prison in default of payment.

IX. The said estimate and assessment, when completed, shall be signed by the said Commissioners, and form a record of their office.

X. After the completion of the said estimate, the said Commissioners shall make out and sign certificates, which shall, by numbers, or in such other way as to the Commissioners may seem more convenient, refer to the several portions of land mentioned in the said plan No. 2, and shall show the estimated value of the land, and improvements thereon, to which the same refer, which certificate shall give to the holders thereof a right to demand payment of the sums for which the same are in the body of the same expressed to be granted, from and out of the said Foras Land Assessment Fund, after the said Commissioners shall, by public advertisement in the Bombay *Government Gazette*, have advertised that they are ready to redeem the said certificates.

XI. The persons who shall have been the rent-payers to the said Company on the said 1st day of July of any land mentioned in the said plan No. 2, or their representatives or assigns, shall be entitled to be the first holders of the certificates relating to the same lands.

XII. When the said certificates shall have been completed, the said Commissioners shall distribute the certificates to the persons entitled thereto; or, if it shall appear to them doubtful to whom any certificate should be delivered, may deposit it with the Prothonotary of the Supreme Court of Judicature established at Bombay by Royal Charter, which Court may adjudicate upon the right to every certificate so deposited, and may direct how such right shall be tried.

XIII. The delivery to any person by the Commissioners of any certificate shall not confer upon him any right to retain the same as against any person having a better title thereunto, who shall be at liberty to sue for and recover the same, and all benefits thereto belonging, in the said Supreme Court, by such proceeding as the said Court shall direct.

XIV. When the said assessment shall have been completed, the Commissioners shall give notice thereof in the *Government Gazette*, and after the expiration of three weeks next following the publication of such notice, shall proceed to collect the assessments, and, if necessary,

to levy them by distress and sale of any goods found on the said lands, or by sale of the lands assessed; and the said Commissioners shall keep accounts of the sums received for assessment, and pay the same from time to time into the Bank of Bombay.

XV. The said Commissioners, subject to the approval of the Governor of Bombay in Council, may employ such surveyors, accountants, and clerks, as to them shall seem fit, and incur such other charges, and make such disbursements from the said Foras Land Assessment Fund, as may be necessary for executing the provisions of this Act.

XVI. The Commissioners may receive any portion of the assessment from any person, but any receipt granted by them for the same shall not affect the title to any lands in respect whereof the same shall have been paid; and when the said Foras Land Assessment Fund, or such portion thereof as to the said Commissioners shall seem adequate, shall have been recovered, the said Commissioners shall redeem the certificates, on demand, by the holders thereof.

XVII. When, on the sale of any land or goods for satisfaction of any assessment, more money shall be raised than is required to pay the amount to be levied, the Commissioners shall pay the overplus to such person or persons as shall appear to them to have been entitled to the land or goods sold; or, if they are doubtful to whom they should pay the same, may pay such overplus to the Accountant General of the said Supreme Court; and any persons claiming to be entitled thereto may sue for and recover the same by such proceeding in the said Supreme Court as the said Court shall direct.

XVIII. The Commissioners shall not be liable for the amount so paid to any person, in case another person having better title thereunto shall afterwards appear, but the same may be recovered from the party who received the same, or his representatives, at the suit of the person entitled thereunto.

XIX. The said certificates shall be transferable by endorsement.

XX. The said Commissioners, at any time after the said 1st day of July, may grant a warrant to any person or persons to take and deliver to the officers of the Bombay Government any of the lands mentioned in the said plan No. 2, which warrant shall confer on such person or persons the same powers and rights which the Sheriff has for executing a writ of possession issued by the said Supreme Court.

XXI. The said Commissioners, with the consent of the Governor of Bombay in Council, to be signified in writing upon the said plan No. 2, under the hand of one of the Secretaries to the Government of Bombay, at any time before the completion of the assessment, may alter the plan No. 2 lodged with the said Commissioners, and corresponding

alterations shall be made in the plan No. 1 lodged with the said Commissioners; and the Governor of Bombay in Council shall thereupon cause the like alterations to be made in the plans deposited in the office of the Secretary to the Government of Bombay; and if any such alterations shall be so made, the plans so altered shall to all intents and purposes of this Act be considered as the plans referred to by this Act. Provided always, that if any difference shall at any time appear between the plans deposited with the Commissioners, and the plans deposited in the office of the Secretary to the Government of Bombay, the latter shall be deemed the original and authentic plans referred to by this Act.

XXII. *No action at law or other proceeding shall be brought in any* Court whatever against any Commissioner under this Act for anything done or omitted to be done by him as a Commissioner thereunder; and a certificate in writing under the hand of one of the Secretaries to the Government of Bombay shall be evidence that any such act or deed of commission or omission complained of was done by the Commissioners in execution of their powers as such Commissioners under this Act.

XXIII. On the close of the business of the said Commission, the records thereof shall become and be made a record of the Bombay Government.

XXIV. If at the closing of the said Commission there should appear to be any unappropriated balance of the said Foras Land Assessment Fund, the same shall be paid to the Municipal Fund of Bombay; and if the said Foras Land Assessment Fund should prove insufficient to answer the charges upon it, the deficient amount shall be paid from the said Municipal Fund, upon an order or orders, to be signed by the said Commissioners, countersigned by one of the Secretaries to the Government of Bombay.

FIRST SCHEDULE,

Containing the form which may be adopted for the estimate mentioned in this Act.

No. in Plan.	Quantity in Square Yards.	Value, including Improvements.

No. in Plan.	Quantity in Square Yards.	Amount of Assessment.

SECOND SCHEDULE,

Containing the form which may be used for summonses for witnesses.

Commission under the Foras Land Act.

You are required to attend the Commissioners on at o'clock the day of to give evidence under the provisions of Act No. VI. 1851.

(Signed) _____

" _____

" _____

Commissioners.

THIRD SCHEDULE,

Containing the form which may be used for Certificates.

Foras Land Act VI. 1851.

This is to certify that the holder of this Certificate is a claimant on the Foras Land Assessment Fund in respect of land taken for public purposes under Act VI. 1851, for the sum of Rupees

(Signed) _____

" _____

" _____

Commissioners.

On the 25th July 1851, the following gentlemen were appointed Commissioners to carry out the provisions of the Act :—

J. N. Rose, Esq.
A. St.J. Richardson, Esq.
Bomanjee Hormusjee, Esq.
Juggonnath Sunkersett, Esq.
Lieutenant A. DeLisle.

Lieutenant DeLisle being nominated Secretary to the Commission. Their proceedings were unopposed for some months, but in May 1852 Government received the following two petitions :—.

To the Right Honorable Lord Viscount FALKLAND,
Governor and President in Council, Bombay.

The humble Petition of the undersigned Forasdars of Bombay.

SHEWETH,

That a very small number of your petitioners have had an opportunity of becoming acquainted with the provisions of Act No. VI. of 1851, until within the past month, because the publication of the said Act in the draft has been exclusively in the English language, of which most of them are ignorant.

2. That even if the said draft had been published in the *Government Gazette* in all the vernaculars of this island, few of them could be aware of such publication, seeing that only a few have an opportunity of reading the *Government Gazette.*

3. That to elicit the opinions of those particularly concerned, publication ought to have been as extensive as possible, not only in print, but also by battakee, and by plain and simple oral explanations of the objects of the said Act; because the construction of the Act is not of that plain common-sense character calculated to be properly understood, even under the most favourable circumstances, by the generality of the people.

4. That this imperfect publication of the said Act is a subject of deep sorrow to your petitioners, as they doubt not, that if a fair representation of the oppressive tendencies of the enactment had been submitted in time, every attention would have been accorded to the same by a Government which has always evinced a strong interest in the welfare of its subjects.

5. That your petitioners feel assured it could never have been the intention of the Government of Bombay to have avoided a full and perfect publication of an enactment so important in its bearings upon the interests of the industrious and peaceable class to which your petitioners belong; for such a course would be directly in opposition, not only to the spirit of the English rule, which courts pre-discussion of all laws proposed for the government of the subject, but in direct opposition to

the spirit and letter of the celebrated declaration of this Government in Regulation I. of 1799, to the effect that it is essential to the future prosperity of the British territories under the Presidency of Bombay, that all Regulations which may be passed by Government affecting in any respect the rights, persons, or property of their subjects, should be printed, with translations into the country languages; and that the grounds on which each Regulation may be enacted should be prefixed to it.

6. That owing to this imperfect publication, so evidently unintentional, your petitioners have been precluded from submitting to the Legislative Council important suggestions, calculated to promote what is set forth as the real object of Government, viz. of finally adjusting the disputed landed tenures of Bombay in a manner calculated, while benefitting the public at large, to secure the rights and interests of the Forasdars.

7. That under all these circumstances your petitioners are emboldened to solicit, that before enforcing the Act in question, your Lordship in Council will be pleased to have the following grave objections maturely considered :—

1*st.*—The Act does not lay down any rule for the guidance of the Commissioners in their valuation of foras land, thus leaving it within the power of those Commissioners who may be interested in this kind of property to regulate the purchase of the land No. 2, and the assessment of land No. 1, at rates which, while they are unfair to a large body of your petitioners, may be really beneficial to those of the Commissioners who are Forasdars.

2*nd.*—That while the course laid down in the case of those who are proprietors of land No. 2 is, with the preceding exception, as favourable as could be hoped for, the course ordered to be pursued towards those holders of the land No. 1, who are unable to meet the assessment made by the Commission, is of a directly opposite character, inasmuch as the poor man who holds land No. 2 gets some compensation for his fields, while the holder of land No. 1 runs every risk of being deprived of his property, (property which may have been an object of solicitude to himself and his ancestors for years,) without anything whatever in the shape of compensation.

3*rd.*—That the effect of a public sale of land in satisfaction of assessment will doubtless be ruinous to the poor defaulter, because it seldom happens that men of wealth give so much for property disposed of in a compulsory form as for that which merely awaits a good market; consequently, by distress under Section XIV. of Act VI. of 1851, the Government is likely to find itself throwing the property of the poor into the hands of the rich at rates which, while they leave the poor penniless, may not suffice to meet the amount of assessment.

4*th.*—It is an undoubted and a deplorable fact, that the consequence just mentioned now forms a subject of speculation with the monied men of Bombay, and, among others, with those who are believed to have been the active promoters of the Act under notice.

5*th.*—The rate of assessment upon the land No. 1 amounts in many cases to seven or eight years' purchase of the income derived from it, and neither the saleable nor the yearly value of the lands is increased by the operation of the Act. Many of the Forasdars are almost dependent on the produce of their land, are utterly unable to pay such a ruinous assessment, and are in no way benefitted by the compulsory resumption of land, which is to be effected by the Act, but the Act is, as regards them in particular, ruinously partial and unjust.

6*th.*—That within the past few days some of your petitioners having themselves read in the Bombay *Gazette* of the 10th instant a despatch of your Government No. 48, dated 12th May 1849, and addressed to " the Honorable the Court of Directors for the Affairs of the Honorable East India Company," have informed us, that while it appeared formerly that the object of Government in obtaining the enactment No. VI. of 1851 was the particular benefit of people who held foras land, it is now quite plain that the real object of that Act is to facilitate the arrangements considered necessary for the permanent supply of water to all the human beings and living animals on this island.

7*th.*—That it is the bounden duty of your petitioners, and all others subject to your Government, to abstain from anything calculated to thwart your Lordship in Council in your just endeavours to secure a blessing so great for all animated creatures on this island; but this sound reflection is alone sufficient to justify our appeal against being made the especial objects of this burden, where thousands and thousands, in every way better able to bear, not only their just share, but ours also, are protected under this Act from contributing towards what will be to them an undeniable blessing.

8*th.*—That on the present occasion your petitioners are desirous of abstaining as much as they possibly can from any allusion to the ancient and uncontroverted claims of the holders of foras land claims, which the Government have on no occasion been successful in resisting, but they would hope, that if it is the desire of Government to make " any general arrangements for the settlement of the long pending disputes relative to the resumption of foras land," as is implied to be their wish in the despatch already quoted, those arrangements will be equitable in character and form, as befits a Government professing a paternal solicitude for its subjects.

8. Your petitioners therefore humbly pray that the preamble and

provisions of the Act be reconsidered, the compulsory enforcement of the assessment stayed, the expensive machinery of carrying it into effect abolished, and any compensation of which payment may be necessary, be provided for out of the funds appropriated for public purposes in Bombay, and not out of the resources of the helpless class of which your petitioners form a part.

And your petitioners as in duty bound shall ever pray.

(Signed) P. M. DeSilva.
" S. Viegas.
Bombay, 19*th May* 1852. And 155 more signatures.

To the Right Honorable Lord Viscount Falkland,
President and Governor in Council.

The humble Petition of the undersigned Inhabitants of Mahim, Sion, Vadala, Sewry, Dharawee, Parell, Worley, Mazagon, and Girgaon Villages.

Humbly sheweth,

With greatest respect and humility, your petitioners beg leave to submit the following case to the favourable consideration and justice of your honorable board.

That your petitioners' ancestors are ancient inhabitants of this place from the time immemorial, and possessing certain landed property as proprietors and cultivators of old and new salt batty grounds, which will appear by a letter from Mr. R. Rickards, Secretary to Government, under date the 4th August 1801, to the address of their ancestors.

That your petitioners are ready to obey all orders and regulations of Government which they may consider just to themselves, and are bound to appeal against such as their poor circumstances cannot admit to bear. Your petitioners allude to the recent assessment levied on their old and new salt batty grounds, and bills presented for payment. Your petitioners most respectfully beg leave to observe, that a very small number of them had an oppurtunity of becoming acquainted with the provisions of the Act No. VI. of 1851, until within the past month, when the bills were presented to some of them. The Commissioners composing the committee are not acquainted with the situations of the old and new salt batty grounds, and the means of their livelihood.

The batty fields at this place are not like those of the other Presidencies, where they are reaped thrice in a year, whereas your petitioners get only one crop.

That from what your petitioners could learn from their ancestors, that from the former Government to the Portuguese, who afterwards made over Bombay to the English, consequently the petitioners' ancestors

became subject to Great Britain from the year 1665, when a treaty was made, specifying the treatment the petitioners were to expect, and the terms; and directing, however, that the inhabitants of the respective villages on the island of Bombay be permitted to remain in the quiet possession of their privileges, of which your honorable board are fully aware; and accordingly they have been protected heretofore.

That in April 1805, Government was pleased to issue two different orders through the then Assistant Collector, directing to give up from that year entirely the sowing batty in both the old and new salt batty grounds over the whole island of Bombay, upon which the proprietors made a petition to the Honorable Jonathan Duncan, Esq., the then President and Governor in Council of Bombay, on the 3rd May 1805, representing the detailed circumstances connected with the state of the salt batty grounds, and in what manner possessed; and that they had expended and laid out a large sum of money in the improvement of the said salt batty grounds, but that they could not obtain a fair return for their outlay, in consequence of the unfavourable seasons and uncertainty of the good crops. At the time when your petitioners' late ancestors undertook the cultivation of the land, it was in a barren and unproductive state, free from any tax. After many years' cultivation, the land was much improved. When the foras on the land was fixed by Government, these grounds also became subject to such payment, but it was then so trifling in amount, that your petitioners did not consider it worth while to draw the notice of the honorable board to the same. The late Governor, Jonathan Duncan, Esq., had been pleased to relinquish the plan immediately after a due consideration of their case herein set forth.

That the case with respect to the old and new salt batty grounds, may it please your honorable board to consider deeply, is totally different, because in their original state the grounds were not of the nature of other sweet waste grounds on this island, let out at foras, nor these grounds were of that state as one could saddle himself at the first undertaking thereof with leases or grants even for that smaller rent, as the foras is under the denomination of foras is same other denomination to it, because the depth of these grounds at the time when sea water was running over them was so much that they were perfectly a sea bay, admitting fishing boats to float towards Parell near old *Colowdy*, then on the west side of the Government House, between the two roads near another Colowdy that was at the district of Worlee village, on the Love Grove side, and near a third Colowdy that was near Mr. Henshaw's country, called Marowda.

Notwithstanding this depth of the grounds in question, petitioners heard from their ancestors that the old salt batty grounds are acquired

by them by recovering them from the abovementioned bay in the time of the Portuguese Government, at the proper expense of their said ancestors, and before the English Government, and the erection of the Breach walade, under an agreement with the said Portuguese Government to possess for ever. Petitioners therefore beg your honorable board will consider how far will be a justice in depriving them from those estates after about 187 years past to the English Government at this place. These estates are always consider they ought to possess peaceably, like the estates for which they pay pension and taxes.

Petitioners have also heard from their ancestors, immediately after the erection of the Breach walade, and discovery of other grounds, they were invited by Government advertisements and summons, and insisted by the then Government to undertake and bring to perfection the grounds that are now called new salt batty grounds, under a similar promise of possessing them for ever, as is customary in new improvements of salt batty grounds, which promise they have also heard is particularly mentioned, together with other conditions in respect to the future management of these new salt batty grounds on the records of the Government, to which they humbly beg your honorable board to refer, for the mutual satisfaction of your honorable board, and of them petitioners have no objection to abide by every word thereof.

That the abovementioned promise and possession of these grounds for ever not from any other but His Majesty's British subjects for the time being must be inducement to their ancestors, as it actually did induce them to lay out considerable sums of money and personal labour in bringing stones from distance of miles to erect walades thereon, divide those grounds into spots, fill up them with sweet earth, level them, even manure them with dung and dirt from the town of Bombay through carts, and dig and mire the soil from year, so as to reap batty over it. May it therefore please your honorable board to consider that the grounds where boats were afloating, and which were totally smoothy, rocky, and deep muddy grounds, must be impossible to come the present height and state.

Petitioners' ancestors and they considered themselves always to be the Fazendars of these grounds under the Honorable Company, whose signorial right over these grounds was hitherto never denied or objected by their said ancestors or themselves, nor do they now presume to prevent the Honorable Company using these grounds when they will be wanted for public service, at a customary recompense to their labour and expenses.

Had they never been considered by the late Governors in Council as Fazendars of these grounds, why then would those Governors in Council permit several of these landholders to sell their title to others,

and register their deeds of sale in the Secretary's Office?—why would the Sheriffs for the town and island of Bombay sell several persons' title on these grounds by order of the late Mayor's Court of Bombay and the Court of the Recorder, by public notices, without sanction from the late Governor in Council, or the Honorable Company's Collectors for the time being?—why would the Honorable Company's Collectors' rent and revenues transfer these grounds in their books from one person's title to that of another?—and why would the late Governors in Council pay recompense to some of them whose grounds were taken for public uses?

Independent of the foregoing, your petitioners beg leave to add that considerable damage was done to their crops, and loss was sustained by their ancestors, by a wall that was built by Mr. Holfield, to compass or serve as a reservoir for the purpose of holding the sea water, for the working of the saw-mill, and their ancestors were also subjected to bear the expenses of Rs. 750, by contracting a debt on that account, on the removal of the said wall in the year 1794. In proof your petitioners beg to subjoin a report, by which your honorable board will perceive that their ancestors and petitioners were considered proprietors of these lands:—

Report.—"I have examined the wall in question, and am of opinion that in its present ruinous and decayed state it is of little use or service to the Honorable Company, and could not be rendered of any without considerable expense, and that only would be requisite in case the saw-mills at a future period should be rebuilt. As the wall now stands across the dam, the free current of the accumulated weight of water during the monsoon is greatly impeded, and, endeavouring to find a channel, overflows the low grounds on each side of the mill-dam. This surplus of water the proprietors of these lands represent as prejudicial to the growth of their crops, and I am also informed by Mr. DeSouza and several of the principal farmers, that a considerable portion of land lying towards the sluices would become capable of improvement, and productive of beneficial supply of grain, should this obstacle be removed. There does not occur to me any objection to removing it; and as great advantages may be derived unto the cultivators and landholders by doing so, I think their request may be acceded to, and that they may be allowed to take away the wall, which they promise to do at their own expense.

(Signed) "JOHN CLIFFE,

"*Bombay, 2nd October* 1794." "Civil Architect.

"Confirmed, provided the solicitors pull down the above wall at their own expense.

(Signed) "FRANCIS GORDON,

"*Collector's Office, 15th November* 1794." "Collector.

Subsequently, Government having been pleased to appoint the then Captain W. Brookes, of the Engineers, to survey the island of Bombay, that officer submitted a descriptive sketch, reporting in the year 1807 upon the old and new salt batty grounds.

That since then, under that order, the old and new salt batty grounds have been free from assessment of any kind for a period of forty-seven years.

That on the 1st November 1813 Government issued a proclamation in these terms:—" The Right Honorable the Governor in Council, adverting to the very low rents which have hitherto been paid to the Honorable Company by their tenants at will of the new and old salt batty grounds, the last augmentation having been from 6 to 9 reas the square burga only, has resolved to increase the same in a near proportion to the value of the grounds. It is hereby therefore notified, that one-third of the produce of the above land will henceforth be annually collected by Government, commencing with crop of 1814, and that the ground occupied by such tenants as refuse to accede to the condition proposed will be resumed by Government."

That on the 1st April 1814 your petitioners submitted a petition to Government on the subject of the above proclamation, and on the 12th October of that year your petitioners received from the Secretary to Government a letter in these terms:—" I am directed by the Right Honorable the Governor in Council to inform you that the subject of your memorial dated the 1st April last has been referred to the consideration and decision of the Honorable the Court of Directors, and that in the mean time the Collector has been instructed to lay on the salt batty ground which you cultivate the tax which has hitherto been received from your lands."

It is stated in Captain William Brookes' Report in these terms:—" There are, in all lands, spots of greater and less fertility, and there is a period in the progress of society when the ordinary capital employed in agriculture can only cultivate with success the most fertile patches: the remaining land is less valuable, yet it affords pasturage for the working cattle, and in that state of things is requisite. This description I believe applies strictly to the foras land universally attached to the plots of batty ground at a low rent. There is, however, a contradiction to the idea arsing out of the application of the same term to the salt batty ground. I cannot explain this unless it be admitted that the salt batty grounds were considered as waste lands when fresh put in cultivation, and let at as similar."

That owing to the want of the perusal of the publication of the Act, your petitioners have been prevented from submitting to the Legislative

Council important suggestions, calculated to promote the real object of Government, namely of finally adjusting the disputed landed tenure of Bombay in a manner calculated, while benefitting the public at large, to secure the rights and interests of the Forasdars.

The rate of assessment upon the land No. 1 amounts in many cases to seven or eight years' purchase of the income derived from it, and neither the saleable nor the yearly value of the land is increased by the operation of the Act. Many of the Forasdars are almost dependent on the produce of their land, are utterly unable to pay such a ruinous assessment, and are in no way benefitted by the compulsory resumption of land which has been effected by the Act; but the Act is, as regards them in particular, ruinously partial and unjust.

That in consideration of the circumstances above stated, your petitioners humbly entreat and trust that your honorable board will be graciously pleased to exempt from the assessment which was recently levied on their old and new salt batty grounds, which system was not observed before, as the late Governors could hesitate to adopt the measures. Should your honorable board deem it requisite to refer this petition to the consideration and decision of the Government of India, and of the honorable the Court of Directors, your petitioners, throwing themselves therefore entirely on the humanity and benevolence of your honorable board, hope that your honorable board will see cause to honour it with your favourable recommendation thereon, and that in the mean time the Secretary to the Commissioners may be instructed to desist from carrying the plan into effect in respect of assessment, pending the decision of the honorable the Court of Directors.

And your petitioners as in duty bound shall ever pray.

(Signed) Succaram Ruggonath Josey.
„ Manockjee Nusserwanjee.
12*th May* 1852. And 442 more signatures.

MINUTE OF GOVERNMENT ON THE PETITIONS.

The Honorable Company's Solicitor having been consulted with reference to these petitions, recommends that the petitioners should be reminded that the Act was drawn up at the solicitation of a large majority of the Forasdars themselves, in consequence of the refusal of a small minority to adjust the matter in an amicable manner, and that the draft Act was published in the usual manner, with ample time for parties interested to make known any objections they might have. The only

objections taken were embodied in a letter from Mr. Dickinson,* which was duly communicated to the Government of India.

Mr. Acland, I understand, is of opinion that it is better that the coercive clauses should not be enforced until all means of persuasion had been tried and found to fail; but as it is very desirable that the Commission should be closed, if the parties cannot be induced to pay their quota, recourse must be had to the measures of coercion authorised by the Act.

The petitioners should be informed that the Commissioners would hold a full meeting at Mahim, for the purpose of explaining to them the advantages of the Act, and of listening to any representations they might have to make. They may also be reminded that the expense of the Commission which falls on the Forasdars is enhanced by delay on the part of the latter in paying the assessment imposed.

It is also desirable that the Revenue Secretary and the Honorable Company's Solicitor place themselves in communication with the Commission, with a view to ascertaining, for the information of Government, that the valuations for which the assessment is to be levied have been made on equitable calculation.

(Signed) D. A. Blane.
" A. Bell.

REPORT OF PROCEEDINGS AT THE MEETING HELD AS DIRECTED IN THE FOREGOING MINUTE.

No. 115 of 1852.

Territorial Department, Revenue.

Foras Land Commission.

To H. E. Goldsmid, Esq.,
Secretary to Government.

Sir,

I have the honour, by direction of the Commissioners, to enclose an abstract of the objections raised by the Forasdars at the meeting held at Mahim on the 4th instant, together with a statement submitted by S. S. Dickinson, Esq., on their behalf, and a letter received from that gentleman the following morning.

The Forasdars stated their intention to make an appeal to the Honorable Court of Directors, and to request that the Commission might be suspended in the mean time.

At the urgent request of the Forasdars, the Commissioners consented to defer enforcing the coercive clauses of the Act according to the notice

* For two papers on the subject by Mr. Dickinson see pages 37 and 38.

of the 28th ultimo, which takes effect from the 15th instant, until the receipt of further instructions from Government.

I am also directed to append a memorandum of the rates at which the assessment has been distributed over the foras lands.

I have the honour to be, Sir,
Your most obedient Servant,
(Signed) A. DeLisle, Lieutenant,
Secretary Foras Land Commission.

Bombay, Town Barracks, 7th June 1852.

ABSTRACT OF THE OBJECTIONS RAISED BY THE FORASDARS.

The objections raised by the Forasdars at the meeting held at Mahim on the 4th June 1852 may be enumerated as follows:—

1. That they were not aware of the nature and operation of the Act until called upon to pay their shares of the expense, and that they would have petitioned Government against it had they been in a position to do so.

2. That Government having reserved the right of increasing the tax on this land at any future time, they have no security that it may not be so increased, and are apprehensive that it will be.

3. That formerly this description of land was not subjected to the house assessment, which it now is.

4. That these lands have come into the possession of the present owners in a variety of ways, such as by inheritance, by purchase, by mortgage, or by sheriff's sales, and that no account is taken of these differences, but all are made to contribute to the Foras Assessment Fund.

5. That land which was purchased at a sheriff's sale, say for Rs. 800 or 900, may now be sold by auction to recover the assessment, in which case little or no compensation may be made to the proprietor for the loss of the above sum, or else he would be obliged to borrow money at heavy interest to enable him to pay the assessment.

6. That the assessment levied by the Commissioners is very heavy in proportion to the net produce of the land, which is already taxed as heavily as it will bear.

7. That land of this description only produces a net profit of Rs. 1-3-0 per 100 burgas. (Vide annexed statement by Gopall Kerojee.)

Mr. L. M. DeSouza states he is a large proprietor of foras land in the Mahim Division. He sublets the land for cultivation, and takes half the produce, viz. on an average—

Two mooras of batty, value				Rs.	40	0 0
Deduct for the land taken for the railway (and foras road?)					5	0 0
					35	0 0
Collector's tax for 628 burgas	Rs.	9	7 1			
Deduct for land taken		1	0 0			
					8	7 1
				Rs.	26	8 11

The Commissioners' assessment is Rs. 67, which is equivalent to two and a half years' nearly of the net profits.

Mr. DeSouza submitted a statement to the Commissioners at the time his compensation was settled, which differs considerably from the above—

Produce 7 to 9 mooras of batty, valued at Rs. 20 each, say 8 mooras at Rs. 20	Rs.	160	0 0
Expense of cultivation, not deducting the proceeds of sale of grass and straw, which, he says, is considerable		100	0 0
		60	0 0
Deduct as above for land taken		5	0 0
		55	0 0
And the Collector's tax		8	7 1
	Rs.	46	8 11

Which would make the Commissioners' assessments equal to the produce of a year and a half.

Thus according to Mr. DeSouza's two statements, the profit on 100 burgas is as follows:—

Statement at the Meeting.				*First Statement.*			
Gross produce 4 mooras	Rs.	80	0 0	Mean 8 mooras	Rs.	160	0 0
Deduct half for cultivation		40	0 0	Cultivation		100	0 0
		40	0 0			60	0 0
Deduct tax		9	8 0	Tax		9	8 0
	Rs.	31	8 0	Add for Grass		51	8 0
						10	0 0
					Rs.	61	8 0
628 : 100 : : 31½ :		5	0 3	628 : 100 : : 61½ :		9	12 8

Difference.....Rs. 4 12 5

The three statements stand, then—

Mr. L. M. DeSouza's first statement..... Rs.	9	12	8
Second, at the meeting.....	5	0	3
Gopall Kerojee.....	1	3	0

Mr. L. M. DeSouza also made a statement about some land at Chinchpoogly, assessed at 10 annas, being more valuable from its situation near the Parell Road. He stated the produce at Rs. 15, less foras tax Rs. 2; net produce Rs. 13; the assessment Rs. 72. He also mentioned that this land derives no benefit from the new foras roads, which do not extend to the eastward of the Parell Road.

Camin Donoo complained of the change made in the wording of the foras bills some years ago by the Collector's department, by inserting the word Government before salt batty ground.

(Signed) A. DeLisle,
7th June 1852. Secretary Foras Land Commission.

STATEMENT SUBMITTED BY S. S. DICKINSON, Esq., ON BEHALF OF THE FORASDARS AT MAHIM, ON THE 4th JUNE 1852.

That Mr. Dickinson, as a Forasdar, on behalf of the persons who presented a petition to Government, on which the present meeting is held, and being called on by the Commissioners to state their objections to the Act being enforced, submits, that inasmuch as the Act affects the rights of the Forasdars, (they are for the most part illiterate and poor,) it ought not to have been passed without a careful inquiry into the condition of the people, and the nature and length of their tenures, and other circumstances which render it unjust to assess them for the benefit of the public; that on previous occasions, when it had been proposed to increase the assessment, on the objections of the Forasdars it had been abandoned; that the grounds stated in the petition are sufficient to show that the Government ought not to tax the Forasdars; that while the Government profess that they are doing an act of liberality to the Forasdars, the real operation of the Act is to give up a portion of the land belonging to Forasdars to the Municipal Authorities, at the expense of the other Forasdars, who, and in particular the Mahim Forasdars, will be to a very small extent, if at all, benefitted by the roads when made, and the making of which must be deferred to some undefined future period; that the effect of enforcing the Act will be ruinous to the poorer Forasdars, while the suspension of its operation till the

opinion of the Home Authorities is known can be of no importance,—as all the expensive part of the Commissioner's work is terminated, it need not occasion any further expenses, as the mere enforcing the assessment and payments of the certificates can be done at a future time ; and that if a full inquiry were made into the circumstances connected with the case of the Forasdars, they are satisfied that it would be found that the assessment upon them is most oppressive and unjust, and that they feel confident that a representation to the Home Authorities will lead to their obtaining justice.

Mr. Dickinson therefore proposes that the Commissioners should be authorised not to enforce the Act till the Home Authorities can be consulted, and that no further expense should be incurred in the mean time.

(Signed) A. DeLisle,
Secretary.

4th June 1852.

(True copy)
(Signed) A. DeLisle,
Secretary Foras Land Commission.

ACCOMPANYING LETTER FROM Mr. DICKINSON.

Bombay, June 4th, 1852.

I understood that the Foras Commissioners agreed to-day to meet to-morrow, to determine what representation they should make to Government in consequence of this day's proceedings at Mahim, and I trust I may be excused for making a few suggestions which this day's proceedings have given rise to in my mind.

There can, I think, be no doubt that a very considerable number of those affected by the Foras Land Act are of a class little if at all removed above the cultivators, and that even the latter class among them, small in number, are but small proprietors. This, surely, is not a class of people at whose expense the land required for public roads and tanks should be taken.

Many of them insisted, that with the present charge of foras and assessment on the ground, its yield was little more than remunerative of the labour and expense necessary to produce a crop, but taking the instance of a proprietor who let his ground to a cultivator, the following appeared to be the result. That for land which produced annually from Rs. 30 to 40, the foras payable to Government was between Rs. 9 and 10, say one-fourth, besides assessment under Act 33, Geo. III. Cap. 128; and at the low rate at which the Commissioners have assessed the Mahim District in comparison to other districts, the amount assessed

was I think Rs. 69 on what remained, after deducting what was required for the railroad. For this class of people I do not think 10 per cent. is too high a rate, as the interest which they will have to pay to earn the money. Thus the account will be as follows :—

Revenue derived from the land.....				Rs. 35	0 0
Government foras.....	Rs. 9	5	0		
Interest on money to pay assessment..... -	6	9	0		
Total, besides assessment at 5 per cent..Rs.	*16	4	0		

Thus giving Government, or at all events taking from the proprietor, half of the produce of the land. It would appear from this, and it is further corroborated by the statement made by the Collector, viz. that the whole Government foras was Rs. 5,000 per annum, and the total amount of compensation required was Rs. 50,000, that the Government at present received one-fourth of the gross revenue of the foras ground, although it had been brought into cultivation. Portions of the ground are more valuable, but they have been rendered so by the outlay of money in various ways by the proprietors, and it would be impolitic and unjust for Government to lay claim to raise the foras on account of the improved value of the ground, where that improved value had been obtained by the outlay of the proprietor's money. Surely Government have no right to stand by and allow persons to lay out money in improving land, some by building, some by manuring, draining, and raising the land, or by whatsoever means it may be effected, and step in and claim the land, or an increased share of its produce, at all events without first giving credit for, and allowing interest on the amount of outlay. Thus, to state my own case:—My estate has cost me some Rs. 40,000; it might produce, if let, from Rs. 1,500 to 1,800 a year, or, if sold, it might realize from Rs. 20,000 to 25,000. It is surely illegitimate and inequitable to claim from me a larger foras because my estate produces more than it did when bare, unless I am first allowed interest on my outlay; and if that were done, the estate would in fact be less valuable to me as an investment than it was when in its original state, producing a small return of batty. The general history of most improvements will be found to be that those who made the improvements lost, and those who purchased gave a price in no way calculated on the contingency of Government raising the Foras. The effect of your assessment, where it is most, is thus to nearly double the foras, and where it is highest to multiply it in a much higher ratio. To many it may not be of much importance to pay the assessment. I have paid mine, converting my loss of Rs. 15,000 into one of 16,000 nearly; but to numbers it is of the last

* So in the original, but there is evidently some error.

importance, and will drive them (however small the sum may seem) into the hands of the usurer, to whom they will have to pay exorbitant interest or premium, or submit to leave property they have inherited from their forefathers for the benefit of others, and for no fault of theirs.

The state of a part of my own ground will also tend to confirm the statement made by the Mahim proprietors. I cannot give the sums exactly, as my lands have been cut up and altered by the railroad. But for ground which produced me Rs. 40 to 45 per annum I paid Rs. 10–1–3 foras, and after allowing for a very considerable amount taken for the railroad and a proposed road, I am assessed for the balance at Rs. 401, which, valuing a rent charge on such land at ten years' purchase, practically increases my foras five times and upwards, and in no way improves my land. Again, the Mahim people complained that the operation of the Act was unequal, and in no way respected the circumstances of their holdings. At present (or I should say lately) I had a frontage towards the road leading to the hay-stacks, which a person who had not learnt the folly of building might call a good building site. It has been cut in half by a road, which, when made, will be a nuisance to my house, severs my land into two useless portions for building, and that which is the collateral advantage on which the Commissioners have assessed me highly they themselves destroy by the road. I am deprived of a portion of my land,* without compensation, and a sum of Rs. 451 in addition.

Foras Nos. 396, 393, 395.

The Commissioners must, I think, feel satisfied, from their experience of this morning, that the Act has caused great excitement, alarm, and distrust among the Mahim people. They do not appreciate the so called advantages of the Foras Land Act, and they feel the injustice of having their tenures of generations disturbed. The very speculative nature of the loss which might arise from the doctrine that foras land was resumable without compensation, when required for public purposes, if assented to, in no way affected the practical value of their possessions, and they cannot admit the justice of that limitation on their tenure. They remember that Government have on various occasions sought to impose burdens upon them: first in attempting to prevent their sowing batty; again in seeking to raise the foras; lately in subjecting them to the house and land assessment; and now by this foras land assessment. Their confidence in the justice and consideration of Government is shaken, and they feel no security that when this tax is paid another demand will not be made upon them. The Commissioners will, I think, scarcely say that these feelings are altogether without foundation,—that it was unjust and impolitic to excite, and both justice and policy

* I have not the means of giving the proportion of land taken.

demand that they should be allayed by proper concessions. If the assessment is paid, they will be liable to exactly the same taxes and burdens to which they have been hitherto subjected. A relief from these commensurate with the claim now made upon them seems the simplest and fairest mode of settlement, otherwise the burden imposed on the Forasdars should be transferred to the public at large, for whose benefit the ground is taken.

I have the honour to be, &c.

(Signed) S. S. DICKINSON.

MEMORANDUM OF THE RATES AT WHICH THE ASSESSMENT HAS BEEN DISTRIBUTED OVER THE FORAS LANDS.

	Assessment per Burga of 60 Square Yards.
Ground south of the Bellasis Road, valued at Rs. 10 per burga	Rs. 1 4 0
Ground from Breach Candy to Byculla, including the Race Course	0 10 0
Inferior lands along the Main Drain	0 6 0 0 2 0
Ground along the Parell Road about Chinchpoogly	0 10 0
Ground North of the Race Course, away from the roads	0 8 0
Inferior ground on the edge of the marsh	0 2 0
Mahim Division.	
New salt batty ground	0 2 0

Old salt batty ground, of which there is no measurement, at eight times the Collector's tax, which corresponds with the assessment on the new salt batty ground.

(Signed) A. DELISLE,
Secretary Foras Land Commission.

No. 117 of 1852.

Territorial Department,
Revenue.
Foras Land Commission.

To H. E. Goldsmid, Esq.,
Secretary to Government.

Sir,

I have the honour, by direction of the Commissioners, to enclose a memorandum on the points which were noted for consideration at the meeting of the 11th instant.

I have the honour to be, &c.

(Signed) A. DeLisle, Lieutenant,
Secretary Foras Land Commission.

Bombay, Town Barracks, 12th June 1852.

MEMORANDUM RESPECTING THE STATEMENTS OF THE FORASDARS AT THE MAHIM MEETING, AND OF Mr. DICKINSON IN HIS TWO PAPERS.

1*st Point.*—Mr. Dickinson has submitted a statement at the meeting held at Mahim, and on the following morning forwarded a letter to the Secretary of the Foras Commission.

In the first paper the following points appear to require notice:—

1. That the Forasdars are assessed for the benefit of the public, and that the real operation of the Act is to give up a portion of the land belonging to Forasdars to the Municipal Authorities, at the expense of the other Forasdars.

2. In reply to this, it might be stated that Government consented to give up their right to the possession of these lands on the condition of certain lines of road and tanks, which would be required for public purposes hereafter being given up at once, to prevent their being built or otherwise encroached upon; and in justice to those whose lands they were, the expenses have been distributed over the whole body of Forasdars, in proportion to the value and extent of their foras lands. The rights now waived by Government have on several occasions been exercised: for instance, in the construction of the Grant and Bellasis Roads, no compensation was allowed for the lands; in the formation of the Artillery Cantonment at Matoonga, the cultivators only received

the value of five years' crops; and lately, when foras land in the vicinity of the District Benevolent Society's Dhurumsala was converted into a portion of the New Town, Government imposed a cess of 6 pies per square yard.

3. The real operation of the Act is, therefore, to make the foras lands freehold, on certain conditions being complied with. The expense of the construction of the road will still have to be borne by the Municipal Authorities.

4. Mr. Dickinson goes on to state that the effect of enforcing the Act will be ruinous to the poorer Forasdars. The reply to this will be found under head No. 7 of the points noted for consideration.

5. He also states that the operation of the Act can be suspended without inconvenience or expense until the opinion of the Home Authorities can be obtained.

6. But those whose lands have already been taken will have just reason to complain of the payment of their certificates of compensation being put off for an indefinite period, were the Commission suspended, as the amount collected is not sufficient to admit of their being paid at once.

7. The Commission is indebted to Government about Rs. 7,000, advanced to them for payment of establishment, and other expenses, the funds to meet which cannot be obtained unless the Act be carried through.

8. Besides, to discharge the present establishment, and have to reorgnize an entirely new office on receipt of the decision of the Home Authorities, would cause delay, and thereby add considerably to the expense.

9. Mr. Dickinson in his second statement repeats the assertion that the expense of the land required for public roads and tanks should not be taken from the Forasdars. This has already been noticed in paragraph 2. He next goes on to say that the produce of the land was little more than remunerative of the labour and expense of cultivation, after paying the present foras assessment, and he instances the case of Mr. DeSouza, whose statement was taken at the meeting, and reported with the proceedings.

10. Mr. Dickinson and Mr. DeSouza at the meeting endeavoured to show that the assessment on land the annual produce of which to the proprietor is 2 morahs of batty, is disproportionate; but after allowing for land taken for the railway, and deducting the annual foras tax, it appears that the Commissioners' assessment is equal to about two and a half times the net produce to the proprietor. If, however, the calculation be made upon the gross produce, (4 morahs, Rs. 80,) with the above deductions, the assessment amounts to one year's produce.

11. The Secretary to the Foras Commission, in his report to Government of the meeting held at Mahim, has already pointed out the wide difference between Mr. DeSouza's statement and one which he submitted to the Commissioners at the time his claim for compensation was settled. If the latter be correct, the assessment amounts to rather less than half the gross annual produce of the land, or to one and a half times the net annual produce to the proprietor.

12. Mr. Dickinson concludes his observation on Mr. DeSouza's case by asserting that Government receive or take from the proprietor one-fourth of the produce of the land. We presume he means the foras tax, but cannot speak with certainty, as his wording is somewhat confused, and would here advert to the mistake which he, in common with all the other Forasdars, appears to have fallen into, in estimating the produce of the land at the net profits of the Forasdar, leaving out of consideration those of the tenant or cultivator.

13. Mr. Dickinson next instances his own case, to show the hardship of enforcing the Act, and lays great stress upon his having been assessed for the improvements on his lands, and assumes that he has been charged for the outlay he has incurred by building thereon, whereby his estate produces more than when the ground was bare. In this assumption Mr. Dickinson is wrong, for his land has not been assessed higher than those in the neighbourhood, which are unenclosed and open, part of his own lands being in the latter case, as will be perceived from the following statement of the sums he has received from the Commissioners, and those for which he has been assessed.

MEMORANDUM OF COMPENSATION AND ASSESSMENTS ON THE FORAS LANDS OF S. S. DICKINSON, ESQ.

Land taken for Roads.

391,	Collector's	No. 46, 54 burgas, at Rs. 5.....	Rs. 270
396,	„	Nos. 208 to 210, 16 burgas 13 yards, at Rs. 5	81
			—— 351

Assessment on remaining Land.

391, 392,	Collector's	No. 46, 468.24 burgas, at 10 as.....	Rs. 292
393,	„	Nos. 50, 51, 191.10 burgas, at 10 as....	119
395,	„	No. 48, 116.40 burgas, at 10 as.....	72
396,	„	Nos. 208, 209, 210, 345.27 burgas, at 10 as.	215
421,	„	No. 208, 219 burgas, at 8 as.....	104*
			—— 802
		Difference.....Rs.	451

* This should have been 109.

Mr. Dickinson has not been assessed any higher than his neighbours. Mr. Dickinson next quotes, in confirmation of the statement made by the Mahim proprietor, Mr. DeSouza, the effects of the assessment on a portion of his own ground, which he sublets for Rs. 40 or 45 per annum. Upon this land he states that he is assessed at Rs. 401, (query 451,) which practically increases his foras tax five times and upwards, in no way improving his land. Setting aside the question of the advantage of quieting his title, Mr. Dickinson forgets that the assessment extends over the ground occupied by his buildings and garden; and that lands in the vicinity of public roads or inhabited localities have a local value distinct from that estimated according to the produce of the soil, and that consequently the rent which he receives by subletting a portion of his ground is not a proper test of the fairness of the assessments.

13. Gopall Kerojee, in making a statement before the Commissioners at Mahim, handed in a paper purporting to show the net produce on 100 burgas of land, after deducting the foras tax and all expenses, making the amount Rs. 1–12–0. It is impossible to test the accuracy of this statement, except by comparison with the others placed before the Commissioners. Thus Mr. DeSouza's first statement, reduced to 100 burgas, gives the net produce at..... Rs. 9 12 8

The second statement by him 5 0 3

Again, if we estimate the portion of ground sublet by Mr. Dickinson at 900 burgas, the rent is, at the rate of 4½ 5 0 0

(The whole being Rs. 40 to 45); and as it is probable that Mr. Dickinson does not obtain such favourable terms for his ground as a Native would, it is therefore evident that Gopall Kerojee's statement of the net profit on 100 burgas is understated at..... 1 12 0

2nd Point.—The answer states that the chief part of the foras lands has not yet been assessed under 33 Geo. III. as it is Government ground, but now that it is private property it may come to be assessed under Act XI. of 1845.

3rd Point.—The date from which the wording of the Collector's bills was altered to Government salt batty land seems to be the 1st July 1843, and the agreement that no compensation should be claimed in the event of the land being required for public purposes was apparently introduced at the same time, the first one entered into being in January 1844. These agreements have been discontinued by order of Government to the Collector of Land Revenue, dated 22nd May 1852.

4th Point.—A detailed statement is annexed, showing the expenses of the Commission up to the 1st of June 1852, amounting to Rs. 8,208-0-3;

since which upwards of Rs. 300 have been expended on advertisements in the newspapers, English and Native.

5th Point.—The Commissioners decided on taking as a guide the prices paid by the Superintending Engineer, Railway Department, for land required for Railway purposes, which apply to the roads from Byculla to Mahim, and generally to those in the Mahim Division of the foras lands. The only ground, then, of which there was no valuation at hand, was the portion lying south of the Bellasis Road. A list was obtained from the Collector of Land Revenue of the sales registered in his office, copy of which is annexed, with an extract from the minutes of the Commissioners, on which the average price for these lands was fixed at Rs. 10 per burga.

6th Point.—The Commissioners now propose to commence selling lands, for which the assessments have not been paid, commencing with those standing first on their books, viz. those south of the Grant Road; and so going regularly through, until they reach Phipps' Oart, where the surveyed lands cease. This course is adopted as being less invidious than that of selecting certain properties for sale, according to the means of the owners. The Honorable Company's Solicitor thinks that the assessment should be completed by connecting the particular lands with the item of assessment, (for the Mahim Division unsurveyed,*) and that this is absolutely necessary in the case of lands to be sold. In the case of lands already so connected, if the Commissioners sell them it may be desirable to sell under special conditions, restricting purchasers from calling for title, or from going into the proceedings of the Commissioners, or questioning the power to sell having arisen under the Act. The Honorable Company's Solicitor can consider the necessary forms of condition, and furnish a form of conveyance.

7th Point.—With respect to the poorer classes of Forasdars in the Mahim Division, or those who have several assessments to pay on different pieces of land, it might be desirable to allow them to clear themselves by annual instalments, equal in amount to the foras tax; that is, they would have to pay double foras for a certain number of years, (six to eight,) after which they would be furnished with the receipt in full for their assessments. To do this without keeping up the present monthly expense of establishment, it is proposed that the present Secretary should make over charge of his office to the Collector of Land Revenue, without establishment, another Commissioner being appointed in his stead. The Collector, acting as Secretary, could then collect the annual instalments at the same time as the foras tax, granting separate receipts, specifying

* The great expense of survey precludes this suggestion being carried out, except in the case of those lands which it may be necessary to sell.

the whole number of instalments to be paid, as well as the number of the instalment then paid, to guard against their being continued after the assessment had been satisfied. Should this plan be sanctioned by Government, it would either be necessary that the sum so left for collection should be advanced, or that Government should be repaid the advances already made by the annual instalments as collected.

The Collector, should he find it absolutely necessary, will apply for temporary establishment to keep up the books and accounts of the Commission. It is not, however, expected that this will be required.

8th Point.—The following statement shows the respective amounts of assessment, &c. compensation, and the sums already collected and paid for certificates of compensation :—

Amount of Assessments to be levied.

Bombay Divison	Rs.	45,705
Mahim Division—		
Old salt batty ground ..... Rs. 12,023		
New ditto ditto 9,017		
		21,040
	Rs.	66,745

[In the Mahim Division, the ground taken for the railway has not yet been allowed for, on account of the difficulty of identifying the names of the parties.]

Total amount of certificates ..... Rs.	48,976	
Amount due to the Superintendent of Repairs, for compensation paid by him for buildings in the line of the new Main Drain	1,071	
		50,047
Amount collected ..... Rs.	9,383	
Amount paid in compensation	5,462	
Difference ..... Rs.	3,921	

(Signed) A. DeLisle, Lieutenant,
Secretary Foras Land Commission.

12*th June* 1850.

No. 8281.

The interest of Burjorjee Dorabjee in the above mentioned Government property is hereby transferred to the name of Sebastian Stewart Dickinson, Esq., in the register book (marked letter A) of the Honorable Company's landed property on the island of Bombay, which I hereby

certify. But it having been erroneously supposed that the act of registering notices of transfer of land implied a relinquishment of the right of ownership in the land, or of the power to resume it at pleasure on the part of the Company, the party is informed that such is not the intention, the sole object of the register being to enable the Collector to apply to the proper person for payment of the rent.

(Signed) F. HUTCHINSON,
Assistant Collector.

Bombay, Collector's Office, 7th December 1846.

FINAL REPORT BY THE FORAS COMMISSIONERS.

No. 26 OF 1853.

TERRITORIAL DEPARTMENT, REVENUE.

FORAS LAND COMMISSION.

To A. MALET, Esq.,
Chief Secretary to Government.

SIR,

The Right Honorable the Governor in Council appointed, under date the 25th July 1851, the following gentlemen to be Commissioners for the purpose of carrying out the provisions of Act No. VI. of 1851:—

J. N. Rose, Esq.
A. St.J. Richardson, Esq.
Bomanjee Hormusjee, Esq.
Juggonnath Sunkersett, Esq.
Lieutenant A. DeLisle.

2. Lieutenant DeLisle was at the same time appointed by Government Secretary to the Foras Commission.

3. On the departure of Mr. Rose for Ahmednuggur, A. D. Robertson, Esq., was appointed, on the 27th April 1852, a Commissioner in his stead; and Lieutenant DeLisle having left the Presidency in November 1852, Mr. F. Hutchinson was appointed a Commissioner, and Secretary to the Commission, in his place.

4. The Commissioners, immediately after their appointment in July 1851, proceeded to collect information upon which to estimate, in a manner equitable to the Forasdars, and consistently with the intention of the Legislature, the amount to be paid to Forasdars, as the value of the several portions of land, inclusive of improvements thereon, comprised in the plan No. 2, which became vested by the Act in the East India

Company, for the purpose of constructing public roads, tanks, and other purposes. They proceeded also to make an estimate of the expenses that it would be necessary to incur in executing the Act; instituting at the same time inquiries, with the view of enabling them to fix the rates at which the amount of such estimates should be assessed upon the remainder of the foras lands mentioned in plan No. 1.

5. It was supposed at that time, that the business of the Commission would have been concluded in March 1853, but circumstances have prevented its being brought to a close until now.

6. The Commissioners have now the honour to submit, for the information of the Right Honorable the Governor in Council, a report of their proceedings, together with an account of the "Foras Land Assessment Fund," showing the sums collected and disbursed by the Commissioners up to the present time.

7. In framing the estimate of the value to be paid as compensation for the lands comprised in plan No. 2, taken for public purposes under Section I. of the Act, the Commissioners availed themselves fully of the knowledge and experience of their colleagues Messrs. Juggonnath Sunkersett and Bomanjee Hormusjee, from both of whom the Commissioners received much useful information on that point, as well as particulars regarding the original cost of their lands, of which portions were comprised in that plan. A statement furnished by the former, showing the sums paid for 15 lots of ground, (7 belonging to himself, purchased in the years 1844 and 1845, the rest to other persons, purchased between 1848 and 1851,) gave the cost per burga (of 60 square yards) as follows:—

Lot.	No. in Collector's Books.	Situation.	Quantity of Land in Burgas.	Price paid.	Average Rate per Burga.
				Rs. a. p.	*Rs. a. p.*
1	54, 55	Between Bellasis and Grant Road.....	35 30	570 0 0	16 0 0
2	150	Grant Road	35 0	1,100 0 0	31 7 0
3	151	Ditto	41 40	1,200 0 0	28 10 0
4	195	Ditto	192 45	750 0 0	3 14 0
5	307	Ditto	126 15	2,000 0 0	15 14 0
6	385	Ditto	18 0	800 0 0	44 7 0
7	373	Ditto	23 40	1,400 0 0	59 0 0
8	3	Bellasis Road	237 0	1,200 0 0	5 1 0
9	22, 24	.....	116 0	800 0 0	6 14 4
10	471	.....	37 0	800 0 0	21 10 0
11	389	.....	21 45	1,100 0 0	50 7 6
12	289	.....	45 20	200 0 0	4 6 9
13	....	Tardeo	171 0	2,250 0 0	13 2 6
14	....	Grant Road	55 25	4,200 0 0	21 12 8
15	....	Ditto	337 40	4,150 0 0	12 8 6

8. The several spots of ground referred to in this statement, between Grant Road and Bellasis Road, had most of them been considerably

improved before their acquisition by the present owners, and these were taken as specimens of foras land, of the highest value in that neighbourhood. The first seven lots gave an average cost of Rs. 28-7-5, and the remaining eight lots of Rs. 16-15-11, the maximum price being Rs. 59, and the minimum Rs. 3-14-0 per burga.

9. The Commissioners next referred to Captain J. H. G. Crawford, the Government Superintending Engineer, Railway Department, who, as Surveyor to the Court of Petty Sessions, had purchased land required for the Railway, and learnt from him the rates which he had paid for land taken for the Railway within the island of Bombay: which, according to his statement, was for foras land in the Mahim Division, from Phipps' Oart northward to Sion, Rs. 1 per burga, and from Phipps' Oart to the crossing of the Parell road, Rs. 2, 3, 4, 5, and 6 per burga, increasing rapidly in value as the land approached parcels that had already been built upon.

10. The Collector of Land Revenue was also consulted, and he furnished the Commissioners with a statement showing the transfers of foras land within the five years from 1846 to 1850, which had been registered in his office, together with the sums paid by the purchasers. The statement gave the particulars of 44 cases, 42 being of land with no buildings thereon. The average price of these 42 parcels was Rs. 15-3-0 per burga, the maximum being Rs. 80-14-9, and the minimum Rs. 1-4-3.

11. The Secretary, Lieutenant DeLisle, then prepared a scale for classifying the land, with the view of fixing rates to be paid as compensation, in reference to locality, prices paid by purchasers in former years, and other circumstances. The Commissioners having considered this scheme, were of opinion that the just claims of parties to be paid for their lands would be met by the adoption, as a general rule, of the rates of compensation proposed by that officer, reserving special cases to be disposed of according to their respective merits. The rates so adopted were as follows:—

For lands from Khetwaddy, going northward to the Central Circle, Rs. 10 per burga.

For lands from the Circle to Tardeo, Rs. 7 per burga.

For lands from the corner near Gowalla Tank to the Circle, at Rs. 16½ per burga.

For lands from the Circle to the New Town, at Rs. 12 per burga.

For lands from the Bellasis Road to Phipps' Oart, from Rs. 2 to 6 per burga.

For lands from Phipps' Oart, northward to Sion, Rs. 1, and in a few cases Rs. 2 per burga.

12. This scale of compensation was at first objected to by many of the Forasdars. It was, however, explained to them, that if these rates were increased, it would be necessary, for the purpose of raising the requisite "Fund" to pay for lands taken, to levy a higher rate of assessment upon the remaining lands occupied by the Forasdars, so that they would have to pay in proportion to the rate what they received. Mr. Juggonnath Sunkersett consented to receive compensation for his land, in the quarter where foras land bore the highest value, *i. e.* south of Bellasis Road, at the proposed rate of Rs. 10 per burga; and though many occupants in that neighbourhood at first claimed Rs. 30 and 24 per burga, they were eventually contented with that rate: excepting in a few cases in which special reasons were shown for its being slightly increased. The rates proposed by the Secretary in respect of lands taken in other parts of the island were also, after some opposition on the part of a few persons, generally concurred in by the parties interested.

13. The following statement shows the rates, and amount of compensation awarded by the Commissioners, for the land comprised in the plan No. 2, taken for public improvements :—

Localities.	Quantity of Land in Burgas.	Rate per Burga.	Total.	Grand Total.
Bombay Division.		*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*
East by the New Town, north by the Bellasis Road, west and south by the covered old Main Drain from Khetwaddy to Bellasis Bridge	1 7 821 26	11 0 0 10 0 0	11 0 0 8,223 6 0	8,234 6 0
East by the covered old Main Drain, west by the Breach Candy Road, north by the Bellasis Road, and south by Khetwaddy and part of Girgaum	305 32 158 25 395 25	20 0 0 15 0 0 10 0 0	6,077 0 0 2,455 0 0 3,959 0 0	12,491 0 0
East by the Clare Road, Byculla Tank, and the Parell Road, west by the Main open Drain, north by the Foras Ground (in sheet No. 4) northward of the Race Course, and south by the Bellasis Road	10 33 37 42 42 14 394 0 133 57	30 0 0 6 0 0 5 0 0 3 0 0 1 0 0	309 0 0 225 0 0 212 0 0 1,182 0 0 136 0 0	2,055 0 0
East by the Parell Road, west by the Main open Drain, and salt marshy ground, north by the salt marshy ground, and the Foras northward of Phipps' Cart in the Mahim District, and south by the Foras Ground (in sheet No. 3)	768 0 1,001 41 90 45 214 46 99 47	5 0 0 4 0 0 3 0 0 2 0 0 1 0 0	3,843 0 0 4,006 0 0 273 0 0 430 0 0 101 0 0	8,653 0 0
		Carried forward.....		31,433 6 0

104683

Localities.	Quantity of Land in Burgas.	Rate per Burga.	Total.	Grand Total.
		Rs. a. p.	Rs. a. p.	Rs. a. p.
Brought forward....	....	....	....	31,433 6 0
East by the open Main Drain and the salt marshy ground, west by the Breach Candy Road, north by the salt marshy ground, and south by the Bellasis and Breach Candy Roads.	127 49	5 0 0	645 0 0	645 0 0
Mahim Division.				
New salt batty ground extending from Phipps' Oart up to Sion.	2,953 58	1 0 0	3,009 0 0	
	152 0	2 0 0	305 0 0	3,314 0 0
Pension and Tax.....	8 35	5 0 0	43 0 0	43 0 0
				35,435 6 0
14. The compensation paid in addition to the above for the value of buildings or other improvements on the land amounted, in the Bombay Division, to				14,408 10 0
Ditto ditto, in the Mahim Division, to				1,382 0 0
Making the grand total of compensation paid				51,227 0 0

15. Compensation for building and improvements of every description not actually included in the value of the land, as well as all fruit trees, temporary erections, &c. from which any income was derived, was calculated at the usual rates allowed by the Board of Conservancy and other public departments when taking land to be appropriated for public purposes. In a few cases those rates were objected to, and the question raised was then considered and disposed of, at a general meeting of the Commissioners, at which either the party or his Proctor attended, and stated the grounds on which he claimed a larger amount of compensation. In all other cases the claim was adjusted according to estimates prepared on a survey of the property by Lieutenant DeLisle, in his capacity of Secretary to the Commission.

16. After estimates had been made of the sums required for the payment of compensation to parties whose lands were taken, and of the expenses to be incurred in executing the Act, the Commissioners proceeded to assess the amount of such estimates upon the remainder of the foras lands, being those mentioned in plan No. 1, and the general conclusion at which they arrived, after giving due weight to every consideration bearing on the question, was that a fund, sufficient for the above mentioned purposes, would be raised by levying an assessment at a rate equal to about one-eighth of the rate of compensation to be paid for the lands taken under the Act, in the same locality—that is to say, if for

lands taken in a particular quarter compensation was to be paid at Rs. 3 per burga, the assessment on land in the same quarter, remaining in possession of Forasdars, should be at Rs. 1 per burga.

17. It is necessary to mention in this place, that the Commissioners found in the Office of the Collector of Land Revenue survey plans of the foras lands in the Bombay Division, showing the quantity of land in the possession of each Forasdar, with the aid of which the quantity liable to assessment could be determined; but no detailed survey, it appears, had ever been made of the foras lands in the Mahim Division, from Phipps' Cart northward up to Sion, a distance of five miles in length, and about half a mile in main breadth, comprising about five-eighths of the foras lands, occupied by about 1,426 persons. Attempts were made by the Commissioners to settle the exact extent of ground in the possession of each individual in the Mahim Division, but it was soon apparent that no assistance could be expected from the occupants. A topographical survey had been made of the Mahim Division in 1826, by the Revenue Surveyor, but as it did not show the holdings of individuals, it was of little or no use to the Commissioners. As regards the information required for the purposes of the Act, a regular survey of all the holdings within this large tract the Commissioners found would cost a large sum of money, and increase the expense of the Commission, so as to necessitate a rate of assessment on these lands beyond their present value.

18. The Commissioners therefore considered that it would be sufficient to assume the extent of each Forasdar's holding, from the amount of the foras rent which he paid annually to Government; and this course, which was not objected to by the Forasdars, was adopted by the Commissioners.

19. The following statement shows the assessment actually levied according to Lieutenant DeLisle's scheme, and forming the "Foras Land Assessment Fund," and it exhibits the quantity of land assessed, as also the rates of assessment, according to locality and other circumstances:—

Localities.	Quantity of Land in Burgas.	Rate per Burga.	Total.	Grand Total.
		Rs. a. p.	Rs. a. p.	Rs. a. p.
Bombay Division.				
East by the New Town, north by the Bellasis Road, west and south by the covered old Main Drain, from Khetwaddy to Bellasis Bridge	9,502 24	1 4 0	11,999 6 0	11,999 6 0
East by the covered old Main Drain, west by the Breach Candy Road, north by the Bellasis Road, and south by Khetwaddy and part of Girgaum	168 38	2 0 0	337 0 0	
	209 0	1 12 0	363 0 0	
	79 40	1 8 0	119 0 0	
	8,886 8	1 4 0	11,127 0 0	
	8 0	1 0 0	8 0 0	11,954 0 0
East by the Clare Road, Byculla Tank, and the Parell Road, west by the Main open Drain, north by the Foras Ground (in sheet No. 4) northward of the Race Course, and south by the Bellasis Road	39 45	3 0 0	120 0 0	
	389 33	0 12 0	292 0 0	
	5,453 21	0 10 0	3,396 0 0	
	11,293 20	0 8 0	5,646 0 0	
	1,858 4	0 5 0	696 0 0	
	368 50	0 4 0	93 0 0	
	1,787 55	0 2 0	224 0 0	10,456 0 0
East by the Parell Road, west by the Main open Drain, and the salt marshy ground, north by the salt marshy ground and Foras Ground northward of Phipps' Oart in the Mahim District, south by the Foras Ground (in sheet No. 3)	5,830 57	0 10 0	3,626 0 0	
	7,590 8	0 8 0	3,516 0 0	
	236 15	0 7 0	104 0 0	
	649 57	0 6 0	243 0 0	
	2,054 21	0 4 0	513 0 0	
	2,123 48	0 2 0	265 0 0	8,567 0 0
East by the Mount and Mazagon Estate, west by the Parell Road, north by the Chinchpoogly Road leading to Sewree, and by a public passage, and south by the Mount Estate	1,340 10	0 10 0	386 0 0	
	1,985 45	0 8 0	993 0 0	1,829 0 0
East by the open Main Drain and the salt marshy ground, west by the Breach Candy Road, north by the salt marshy ground, and south by the Bellasis and Breach Candy Roads	3,743 46	0 10 0	2,333 0 0	
	752 50	0 8 0	377 0 0	2,710 0 0
Mahim Division.				
New salt batty ground extending from Phipps' Oart up to Sion	3 28	0 8 0	2 0 0	
	17 23	0 5 0	5 0 0	
	222 45	0 4 0	55 0 0	
	69,904 0	0 2 0	8,738 0 0	8,800 0 0
Old Salt Batty Ground.				
Being fields, bordering the roads eastward of Worlee and Mahim Woods, also those lying eastward of the road from Parell to Mahim, and a number of fields near Sewree, Parell, Wadalla, Naigaum, Matoonga, and Dharavey villages	225 51	0 5 0	70 0 0	
	44,056 0	0 4 0	11,014 0 0	
	33 43	0 3 0	16 0 0	
	586 9	0 1 9	66 0 0	
	549 13	0 1 0	36 0 0	11,202 0 0
Total.....Rupees	....	....	....	67,517* 0 0

* The whole of this sum has been realized.

20. Considerable difficulty was experienced, and delay occurred, in realizing the assessment, arising from several causes:—1*st*, the difficulty of finding parties who were liable, there being no less than 1,909 individuals from whom the assessment was to be collected, the great majority consisting of cultivators not residing on their lands, but scattered over different parts of the island; 2*nd*, the difficulty, from the absence of revenue survey plans of the Mahim Division, of identifying the lands of parties refusing payment, in which cases the assessment had to be levied by distress and sale of the lands assessed; 3*rd*, a very general understanding amongst parties interested, to obstruct the execution of the Act, by discouraging, and, if possible, preventing persons from bidding for lands put to public sale by the Commissioners for non-payment of the assessment.

21. The last mentioned of these circumstances was brought to the notice of Government, and Government thereupon directed the Collector of Land Revenue, by letter dated 21st July 1852, when lands, after having been duly notified, were exposed to public auction, and no one offered to purchase them for a sum equal to the assessment due in respect to the same, to buy up such lands on account of Government, to enable the Commissioners to realize the assessment. This order had the effect of nullifying, in a great measure, the combination to counteract the Commissioners' proceedings for the levy of the assessment. In 29 cases when lands in the Mahim Division were put up to sale, either no one bid, or the highest offer did not amount to the sum due for assessment, (although in 13 of these cases the occupants had paid a portion of the assessment,) and the Collector therefore purchased the land, amounting in all to 1,149½ burgas, for Rs. 173, being at the average rate of 1½ annas per burga.

22. The assessment, amounting in all to Rs. 67,517, had to be collected from 1,909 individuals; of these 1,870 persons paid the amount due, and it was only necessary in 39 cases (which include the 29 cases mentioned in the last paragraph) to levy the assessment by distress and sale of the lands assessed. In these 39 cases the assessment due amounted to Rs. 712, and the lands sold realized Rs. 1,679. The difference has been refunded, with the exception of certain items, amounting to Rs. 329, to the parties who held the lands at the time of the sale.

23. The items, amounting to Rs. 329, detailed in Statement B, have not yet been refunded, owing to the death or absence of some of the parties, whose lands were sold for a larger sum than the assessment due thereon. The Commissioners have therefore deposited that sum with the Collector of Bombay, to be paid by him to the heirs or agents of those persons, on their establishing their claims as such representatives. Such sums as may not be claimed within a reasonable period can

be handed over by that officer, in the name of the Commissioners, to the Accountant General of the Supreme Court, under the provisions of Section XXVII. of Act No. VI. of 1851.

24. The expenses incurred in executing the Act have been as follows:—

Salary to Lieutenant DeLisle, as Secretary to the Commission, from 8th August 1851 to the 15th November 1852, at Rs. 570 per mensem	Rs.	8,640	3 1
Paid to Surveyors and Clerks, also for stationery and contingent charges, &c., from August 1851 until 15th November 1852, during Lieutenant DeLisle's Secretaryship		5,135	13 0
Paid to Clerks, and for contingent charges, from 15th November 1852, when Mr. F. Hutchinson was appointed Secretary, to the 20th September 1853		843	0 4
	Rs.	14,619	0 5

25. In order to enable the Commissioners to meet demands before the Foras Land Assessment Fund could be realized, they were obliged to obtain advances of money at various times from the Collector of Bombay. These advances, which amounted in all to Rs. 7,885–2–10, have since been fully repaid.

26. Annexed to this Report is an abstract account of the Foras Land Assessment Fund, from which it will be seen that the assessment realized, being the total amount due, was ..... Rs. 67,517 0 0

From which there has been paid to Forasdars, as compensation for lands taken	Rs.	51,125	0 0
And there has been deposited with the Collector of Bombay, being the amount remaining to be paid to the Forasdars on the same account, as per Statement C attached to this Report		102	0 0
And there has been disbursed for expenses incurred in executing the Act		14,619	0 5
		65,846	0 5
Leaving in the hands of the Commissioners	Rs.	1,670	15 7

27. This balance will be reduced by a charge which has not yet been defrayed. When the services of an Accountant, who had been employed on a salary of Rs. 80 per mensem, were dispensed with, and other reductions were made in the establishment by the present Secretary

in December last, it was arranged that one of the writers in the Collector's Office should afford the reduced establishment such aid as might be required. The Head Clerk of the Mahim branch of the Collector's Office, Narrayen Govindjee, from his having been employed for many years in collecting the Government dues from the foras land, afforded the Commissioners and their Secretary much valuable information and assistance from the time when they first entered upon their duties, and since December last he has had to perform much laborious and responsible work for the Commission, in framing statements and returns of various kinds, and has made himself very useful in assisting the Secretary to close the business of the Commission. The Commissioners consider him fully entitled to Rs. 300 as remuneration for the services he has rendered; and for the payment of this sum they respectfully request the sanction of Government.

28. In November 1852, Lieutenant DeLisle was withdrawn from the duties of Secretary. The Commissioners beg to bring to the favourable notice of the Right Honorable the Governor in Council the very able and zealous assistance which they received from that officer, on whom devolved the chief labour of arranging all the details, and carrying out the necessary measures for the purpose of giving effect to the Foras Act. The work of preparing the various estimates of the amount payable to each Forasdar as compensation, and of the amount to be levied from each under the head of assessment, which was most laborious, was all performed by himself: and the surveys, as well as plans on a large scale of the lands taken and paid for, were executed under his immediate superintendence. Mr. F. Hutchinson, who was appointed to succeed Lieutenant DeLisle, has discharged the duties of Secretary to the Commission since 15th November last. His energetic exertions have enabled the Commissioners to bring their proceedings to a close; and he has had a great amount of labour imposed upon him, in revising the books showing the sums awarded to Forasdars as the value of lands taken, and the amount assessed on each occupant of the remaining foras lands, as also in recasting the accounts, for the purpose of adjusting them, with the view of exhibiting the various particulars as to the amount of assessment collected, compensation paid, items remaining unpaid, charges incurred, &c. which it was deemed necessary should be submitted in this general report of the proceedings of the Commission.

29. Observing that Mr. Hutchinson has drawn no salary as Secretary to the Commission, the Commissioners, while bearing testimony to the value of the services rendered by him in that capacity during the last ten months, respectfully leave it to the Right Honorable the Governor in Council to determine whether he should receive any remuneration for them out of the unappropriated balance of the Foras Fund.

30. The Native gentlemen who have been on the Commission since its first formation, Messrs. Juggonnath Sunkersett and Bomanjee Hormusjee, the Right Honorable the Governor in Council will observe from their letters hereunto annexed, marked D and E, have refused to accept any remuneration for their exertions in the public cause. The amount of their fees, Rs. 810, having been paid back by them, has been duly recredited to the Fund. They proposed that the Commissioners should, with the sanction of Government, appropriate this sum in redeeming the lands of Forasdars, which were sold for non-payment of the assessment, where the default arose from the poverty of the parties; but on the subject being discussed at a meeting of the Commissioners, it was decided that the money could not legally be so applied by the Commissioners, as the amount which those gentlemen were entitled to receive from the Fund, and no payment could be made from the Fund, except for the purposes specified in the Act, which does not embrace any such object as that contemplated in their proposal. The attention of Government is respectfully solicited to the minutes recorded on the letters of Messrs. Juggonnath Sunkersett and Bomanjee Hormusjee, by the other members of the Commission.

31. All the lands mentioned in plan No. 2, with the slight alteration made therein, as sanctioned by the Right Honorable the Governor in Council under date the 10th November 1851, the Commissioners, by their warrant dated the 2nd December 1852, a copy of which is forwarded, (marked F,) authorised Mr. H. Conybeare, Superintendent of Repairs, to take and deliver to the Collector of Bombay, and Hurka Jetta, his Surveyor, for and on behalf the East India Company; and these officers have made over the said lands to the Board of Conservancy, to be appropriated for roads, tanks, and other public purposes.

32. The books and records of the Commission, which by Section XXIII. of the Act are made a record of the Bombay Government, will, together with an inventory of the same, be shortly forwarded by the Secretary to your office.

33. Mr. A. D. Robertson, one of the Commissioners, left the Presidency for Aden, on special duty, by the Steamer *Akbar*, on the 31st ultimo, before this report was prepared.

We have the honour to be, &c.

(Signed) A. Richardson,
" Juggonnath Sunkersett,
" Bomanjee Hormusjee,
Commissioners.

(Signed) F. Hutchinson,
Commissioner, and Secretary Foras Land Commission.

Bombay, Foras Land Commissioners' Office, 20th September 1853.

Statement showing Amount disbursed from the Foras Land Assessment Fund as Salary to the Secretary of the Commission.

Date of Government Sanction.	Salary for what Period, and at what Rate.			Amount.		
1851				*Rs.*	*a.*	*p.*
October 27th	Paid Lieutenant DeLisle's Salary as Secretary, for the month of August 1851, at Rs. 570.....			394	3	1
„ 13th	Ditto	ditto	for September 1851	570	0	0
November 10th	Ditto	ditto	for October „	570	0	0
December 13th	Ditto	ditto	for November „	570	0	0
1852						
January 12th	Ditto	ditto	for December „	570	0	0
February 21st	Ditto	ditto	for January 1852	570	0	0
March 3rd	Ditto	ditto	for February „	570	0	0
April 3rd	Ditto	ditto	for March „	570	0	0
May 8th	Ditto	ditto	for April „	570	0	0
June 11th	Ditto	ditto	for May „	570	0	0
July 10th	Ditto	ditto	for June „	570	0	0
August 12th	Ditto	ditto	for July „	570	0	0
Sept. 24th	Ditto	ditto	for August „	570	0	0
October	Ditto	ditto	for September „	570	0	0
November 8th	Ditto	ditto	for October „	570	0	0
December 24th	Ditto	ditto	for November „	266	0	0
			Total..... Rupees	8,640	3	1

In addition to the allowances which Lieutenant DeLisle drew in the situation which he held when he was appointed Secretary to the Foras Commission, he was allowed to draw an allowance of Rs. 100 per month, *not* as salary as Secretary, but to meet his "*expenses in superintending the surveys required for the Foras Land Commission.*" (Vide Government letter No. 8181, dated 13th August 1851.) Government shortly afterwards intimated to him as follows:—"As, however, you are now performing no other duty than those of Secretary to, and Member of the Foras Commission, your salary and allowances must be charged, less net Military pay, to that Commission." (Vide Government letter No. 9250, dated 17th September 1851.) He therefore drew the whole of his allowances, amounting to Rs. 570 per mensem, as the salary of the Secretary to the Commission, in the monthly bills passed by Government, under the dates mentioned in the above statement.

(Signed) F. Hutchinson,
Secretary Foras Land Commission.

Bombay, Foras Land Commissioners' Office, 12th October 1853.

A.

DR. *Foras Land Assessment Fund.* CR.

	Rs. a. p.		Rs. a. p.
To advances received from the Collector of Land Revenue of Bombay, at various times, to meet the demands on the Foras Land Commission Fund	7,885 2 10	By cash paid to the Collector of Land Revenue in repayment of advances	7,885 2 10
To amount received from various landholders, on account of assessment levied on their foras land, from 12th April 1852 to the 5th September 1853	67,517 0 0	By cash to the various landholders, as compensation for the land taken for the new proposed foras roads, &c. ..... Rs. 51,225 0 0 By amount remaining to be paid to 4 Forasdars on account of ditto, deposited with the Collector of Bombay for that purpose 102 0 0	51,227 0 0
To amount from landholders, on account of their lands not being liable to assessment which had been collected from them	923 8 0	By amount of refund made to various landholders on account of their land not being liable to assessment which had been collected from them, and also refunds on account of over assessment	923 8 0
To amount realized by sale of land, in excess of assessment due	967 0 0	By amount refunded to various individuals, being the amount realized by the sale of their lands in excess of the assessment due ..... Rs. 638 0 0 By amount remaining to be paid to three persons, being ditto ditto deposited with the Collector of Bombay for that purpose. 329 0 0	967 0 0
To amount of fees to the Commissioners, from 15th December 1851 to 30th July 1853, debited on the other side as paid to them, which, however, they decline to receive	810 0 0	By fees payable to the Commissioners, but they having declined to receive fees, this sum is credited on the other side	810 0 0
		By salary paid to Lieut. DeLisle as Secretary to the Foras Commission ..... Rs. 8,640 3 1 By salary of Office Establishment, Surveyors, and other charges, under Lieut. DeLisle, Secretary, from August 1851 to November 1852 .. Rs. 5,137 9 0	

			Deduct amount of fine of Establishments, & proceeds of sundry articles		1 12 0		
				Rs	5,135 13 0		
			By cash paid Office Establishment, and contingent charges, under Mr. F. Hutchinson, Secretary, from 15th November 1852 to 20th September 1853	Rs	843 0 4		
						5,978 13 4	
							14,619 0 5
						Rupees	76,431 11 3
			By Balance				1,670 15 7
Rupees	78,102 10 10					Rupees	78,102 10 10

(Errors excepted)

(Signed) F. Hutchinson,

Secretary Foras Land Commission.

Bombay, 20*th September* 1853.

B.

Statement showing the Amount to be paid to three Forasdars, being Sums realized by the Sales of Foras Lands, in excess of the Assessment due thereon.

	Rs. a. p.	Rs. a. p.
Goolam Moideen Ebramjee Bama	142 0 0	
Dadabhoy Rustomjee	28 0 0	
George Jacking Domingos Jacking	159 0 0	
		329 0 0
Total, Rupees three hundred and twenty-nine		329 0 0

(Errors excepted)

(Signed) F. Hutchinson,
Secretary Foras Land Commission.

Bombay, 20th September 1853.

C.

Statement showing the Amount due to four Forasdars, being the Value of their Land taken for Public purposes by the Commissioners.

	Rs. a. p.	Rs. a. p.
Rustomjee Nowrojee	20 0 0	
Hoolojee Jewan Matra	13 0 0	
Heerajee Manoojee	7 0 0	
Govind Pandoorung	62 0 0	
		102 0 0
Total, Rupees one hundred and two		102 0 0

(Errors excepted)

(Signed) F. Hutchinson,
Secretary Foras Land Commission.

Bombay, 20th September 1853.

D & E.

To F. Hutchinson, Esq.,
Secretary Foras Commission,
Bombay.

Sir,

The fees allowed to me for my attendance as Commissioner in the Foras Commission by Government, now in your hands, and undrawn by

me up to this time, amounting to Rs. 420, and such further sum as may become due to me, till the close of the Commission, I request you will be good enough to inform Government that I beg to decline receiving, as I am unwilling to reap any benefit from accepting the office of a Commissioner, as I did so solely for the furtherance of the final settlement of the foras question.

2. There are a number of poor persons whose fields have been sold, and which have been bought by the Collector for Government for the amount of the foras assessment. If Government and the Foras Commissioners are willing, I shall be happy if the fees now relinquished by me be applied to effect the release of those fields, and their restoration to the poor owners.

I have the honour to be, &c.

(Signed) Bomanjee Hormusjee.

Bombay, 19th July 1853.

To F. Hutchinson, Esq.,
Secretary Foras Commission,
Bombay.

Sir,

I beg you will have the goodness to inform Government, that the fees allowed to me for my attendance as a Foras Commissioner, now in your possession, amounts to Rs. 360, and such further sum as will be payable to me until the termination of the Commission. I decline receiving any fees, as I am not disposed to derive any pecuniary advantage from having accepted the office of a Commissioner, as it was entirely with a view to forward the final adjustment of the foras question, which had been in abeyance for many years. Should Government and the Foras Commissioners have no objection, I shall be glad that the fees relinquished by me be applied to effect the release of the fields of the poor men, bought in by the Collector on account of the amount not being paid by the holders thereof, and the fields restored to them.

I have the honour to be, &c.

(Signed) Jugonnath Sunkersett.

Bombay, 19th July 1853.

I am of opinion that the Commissioners should forward these letters to the Right Honorable the Governor in Council, with a suitable letter, acknowledging the valuable assistance which our public spirited colleagues have afforded the Committee, more especially in the preliminary

inquiries upon which the assessment was eventually fixed: and though I do not coincide with the views of my friends Messrs. Juggonath Sunkersett and Bomanjee Hormusjee, that the fees which they so handsomely decline accepting should be disposed of to redeem the lands of those whom, I believe, a mistaken contempt of the proceedings of the Commissioners, or an ill-grounded reliance on the probable occurrence of some such charitable offer as that before us, had led to neglect the legitimate redemption of the lands in their possession, yet the lands might be held for some purpose of general charity, which would perpetuate the conduct of our colleagues, without directly and personally conferring a benefit on those who have placed themselves voluntarily beyond the benefit of Act VI. of 1851.

(Signed) A. Richardson

20th July 1853.

I concur with Mr. Richardson in thinking that we should submit the letters of Messrs. Juggonnath Sunkersett and Bomanjee Hormusjee, with a suitable expression of our sense of the assistance they have afforded us by their services. If the money, however, is accepted by Government, it ought, I think, to be laid out in the way indicated by the donors: but as I do not consider, for the objections stated by Mr. Richardson, that Government ought to have anything to do in applying the money in the manner proposed, I would suggest, that in handing up the offers to Government for its consideration, we should accompany them with a recommendation that Government, whilst thanking Messrs. Juggonnath Sunkersett and Bomanjee Hormusjee, should leave these gentlemen, as they are unwilling to reap any benefit from having accepted the office of Commissioner, to disburse their charity in a *private* manner; and, as Poras Commissioners, they ought, I am decidedly of opinion, to lay out the money in such a way that the impression may not be given to the public, that the proceedings of the Commission have not been in accordance with their private feelings.

(Signed) A. D. Robertson

Tanna, 21*st July* 1853.

I concur with Messrs. Richardson and Robertson, that the letters of Messrs. Juggonnath Sunkersett and Bomanjee Hormusjee should be submitted to Government, and the assistance they have given suitably acknowledged. But if they do not accept the fees to which they are entitled, the amount must remain in the Fund, and cannot, I think, be

disbursed by the Commissioners for the purpose proposed by those gentlemen, as no payments can be made except for the purposes specified in the Act, and these do not comprise the object which they contemplate. If they are desirous that the money should be applied to the payment of the assessment due by poor Forasdars, this can only be done, consistently with the Act, by their receiving their fees, and appropriating the same to the payment of such assessment themselves, as an act of private benevolence.

(Signed) F. HUTCHINSON.

23rd July 1853.

(True copies)

(Signed) F. HUTCHINSON,

Secretary Foras Land Commission.

F.

Be it known that we, the undersigned Commissioners under Act No. VI. of 1851 of the Government of India, hereby empower, and under and by virtue of the said Act grant this our warrant to Henry Conybeare, Esq., Superintendent of Repairs, to take and deliver to the Collector of Bombay, and Hurka Jetta, his Surveyor, officers of the Bombay Government, the land designated in the plans accompanying this warrant by the colour pink, the extent and abuttals whereof are shown in such plans, being part of the lands comprised in the plan No. 2 referred to in the said Act. *Dated* this second day of December, in the year of our Lord eighteen hundred and fifty-two.

(Signed) A. RICHARDSON,
" A. D. ROBERTSON,
" JUGGONNATH SUNKERSETT,
" BOMANJEE HORMUSJEE,
" F. HUTCHINSON,
Commissioners.

(True copy)

(Signed) F. HUTCHINSON,

Secretary Foras Land Commission.

No. 6282 of 1853.

TERRITORIAL DEPARTMENT.
REVENUE.

To A. ST. J. RICHARDSON, Esq.,
JUGGONNATH SUNKERSETT, Esq.,
BOMANJEE HORMUSJEE, Esq., and
F. HUTCHINSON, Esq.,
Foras Land Commissioners.

GENTLEMEN,

I am directed by the Right Honorable the Governor in Council to acknowledge the receipt of your letter No. 26, dated the 20th ultimo, with accompaniments.

2. In reply, I am desired to express to you the thanks of Government for the trouble you have taken, and for the satisfactory manner in which you have brought your labours to a close.

3. Government will authorise an extra allowance, equal in amount (Rs. 100 a month) to that which was enjoyed by Lieutenant DeLisle, being drawn by Mr. Hutchinson, from the date of his taking office as Secretary up to that of your Report under acknowledgment.

4. Government also authorise the proposed payment of Rs. 300 to Narrayen Govindjee, in return for the services he has rendered to the Commission.

5. In the decision you have come to with regard to the proposal of Messrs. Juggonnath Sunkersett and Bomanjee Hormusjee, noticed in your 30th paragraph, Government fully concur. The fees to which these gentlemen are entitled should again be tendered to them, and, if refused, they must form part of the sum to be made over to the Municipal Fund, as provided for in Section XXIV. of Act VI. of 1851.

6. Messrs. Robertson and Hutchinson are, however, correct in thinking that Messrs. Juggonnath Sunkersett and Bomanjee Hormusjee can receive their fees, and appropriate them towards the payment of the assessment; but should they determine on this course, His Lordship in Council depends on their doing so "in such a way," to quote the words of Mr. Robertson,* "that the impression may not be given to the public that the proceedings of the Commission have not been in accordance with their private feelings."

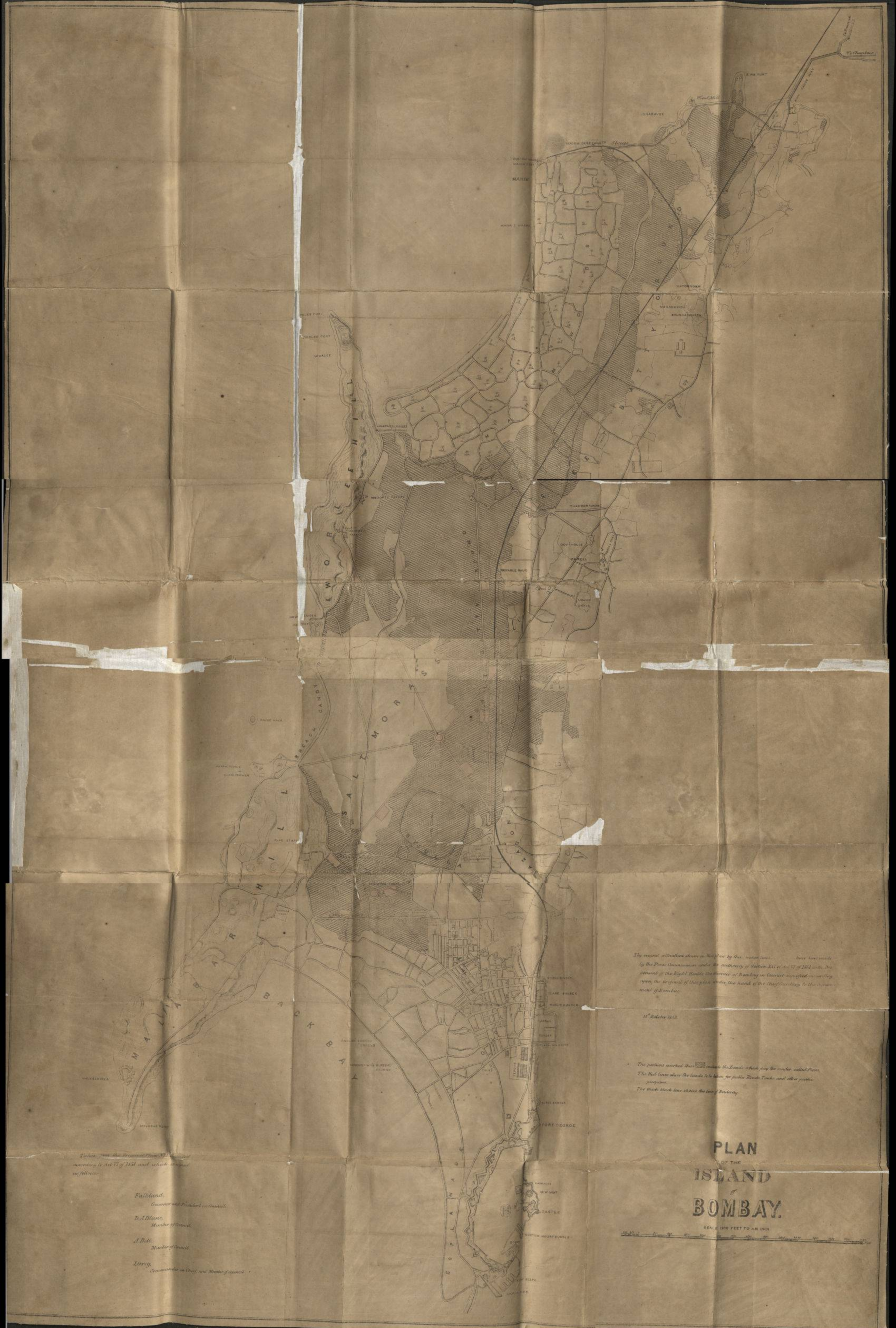
7. On delivery at this office of the books and records referred to in your 32nd paragraph, a receipt will be given.

I have, &c.

(Signed) A. MALET,
Bombay Castle, 27th October 1853. Chief Secretary to Government.

* See end of Mr. Robertson's minute dated 21st July 1853.

MAHIM WOOD
Mahim Causeway
Mahim Station
Mahim Creek
Mahim Bridge
Mahim Fishmarket
Mahim Fishmarket
Mahim Mahomedan Fishmarket
Mahim Fort
Fort Mahim
Mahim Causeway


MAHIM
DHARAVEE
MAHIM CAUSEWAY
Sluices
MAHIM BAY
WORLEE FORT
WORLEE
WORLEE HILL
MAHIM CAUSEWAY
MAHIM FORT
MAHIM HILL
MAHIM NATURE
MAHIM
MAHIM CREEK
MAHIM FLATS
MAHIM WOODS
MAHIM FLATS
MAHIM CAUSEWAY
MAHIM CREEK

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